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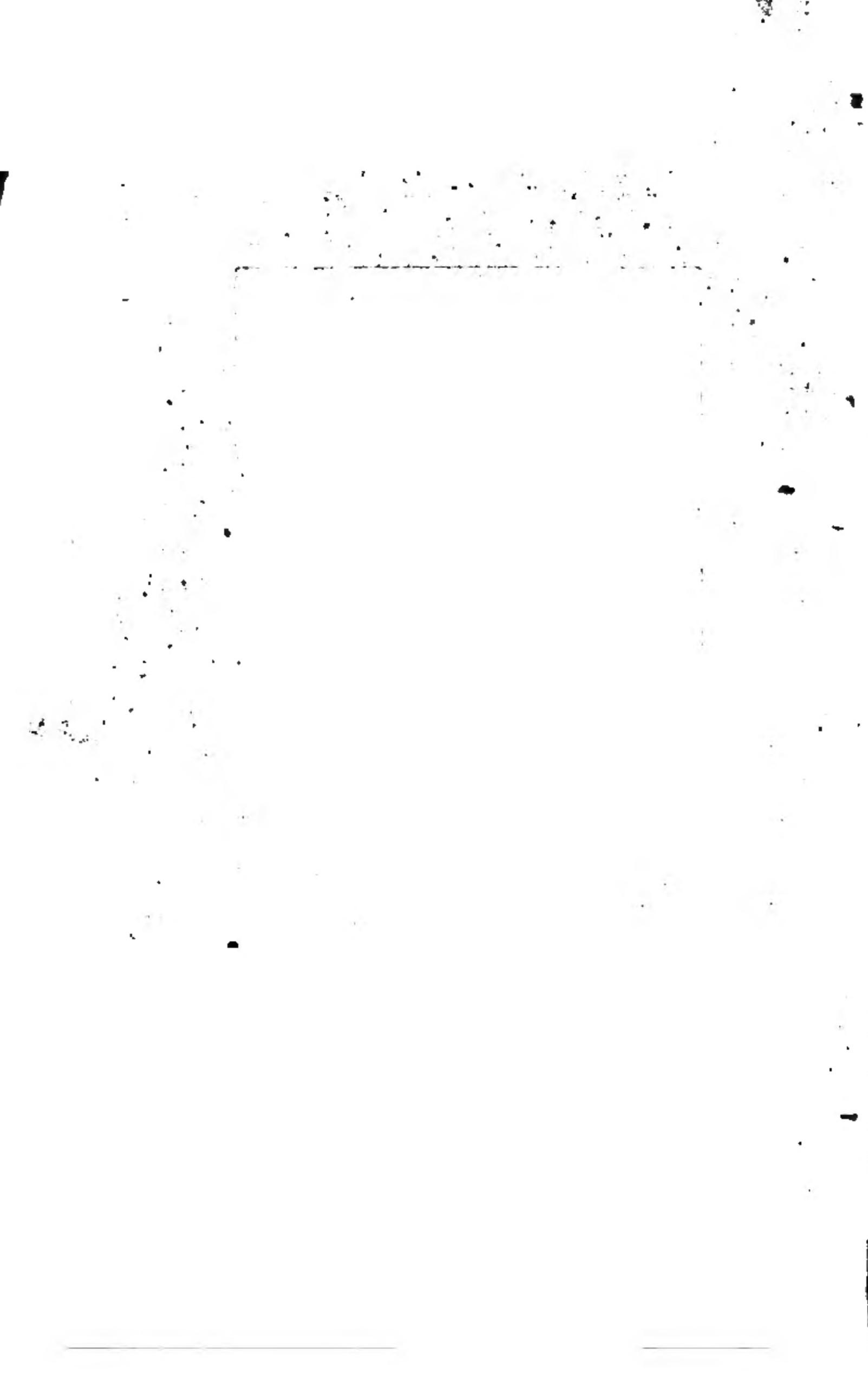
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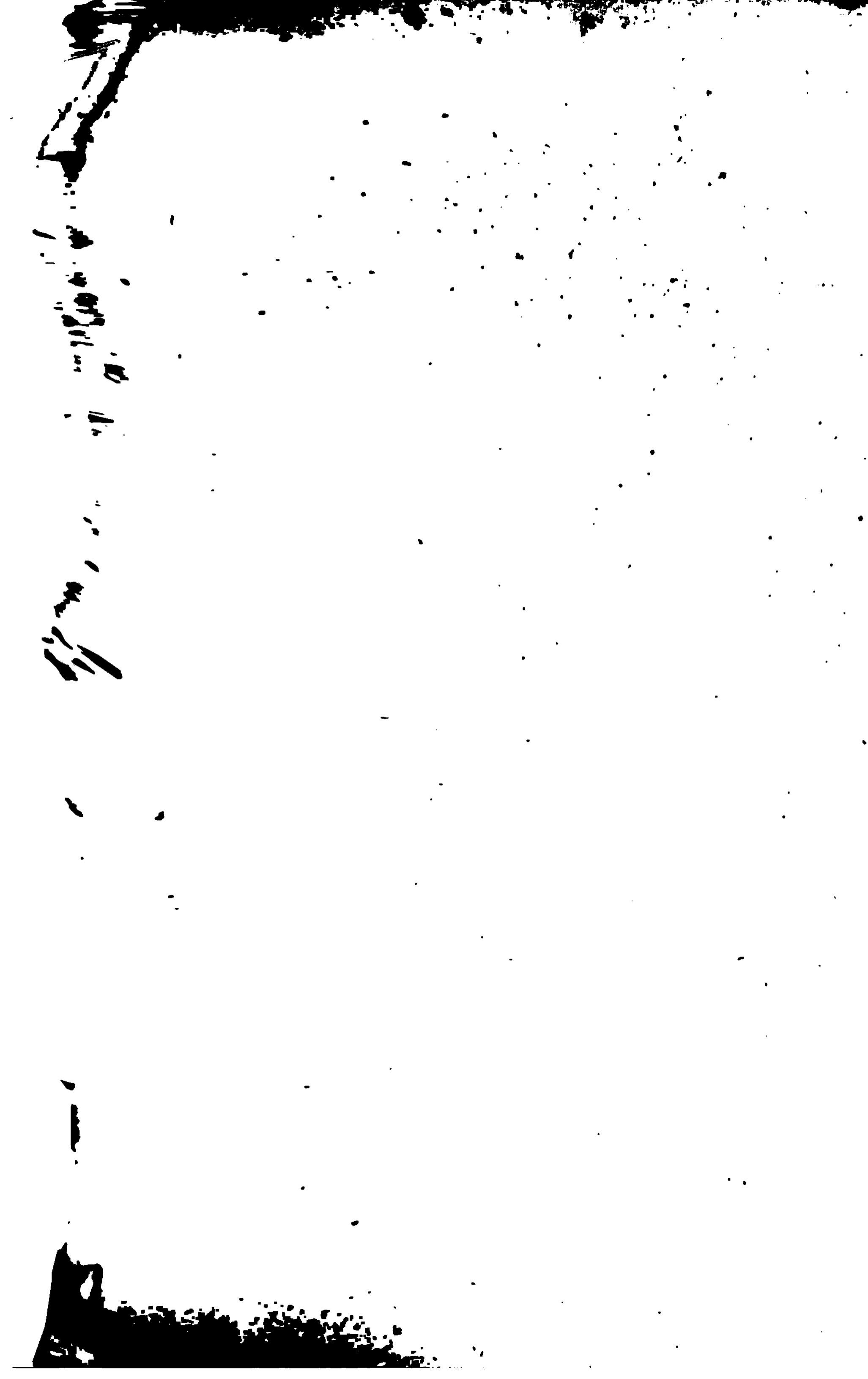
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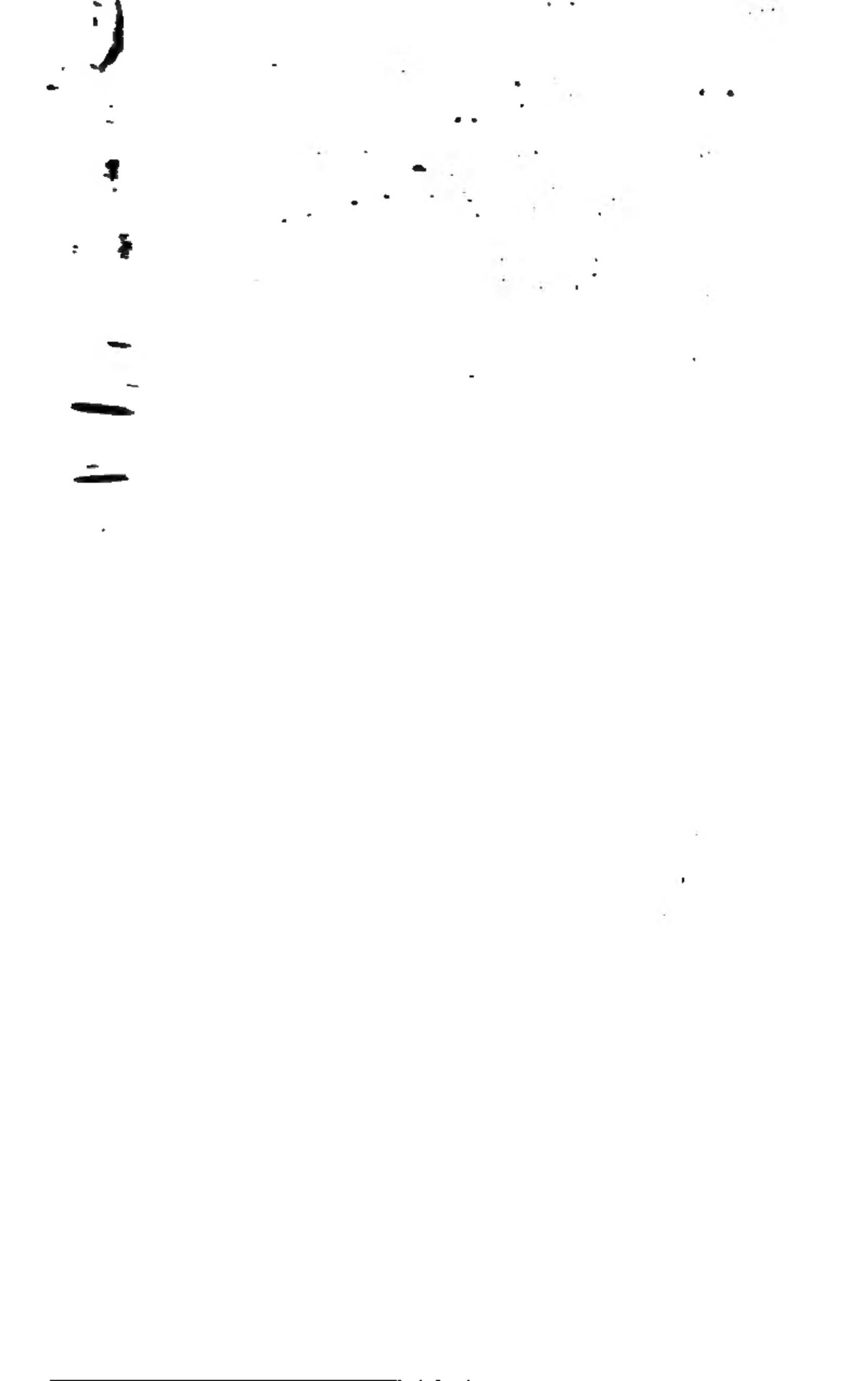














JOURNAL.

OF THE

SENATE,

OF THE

TENTH GENERAL ASSEMBLY,

WHICH CONVENED AT THE CAPITAL, IN DES MOINES, IOWA,
JANUARY 11, 1864.

DES MOINES:

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1864.



SENATE JOURNAL.

SENATE CHAMBER,
Des Moines, Iowa, JANUARY, 11, 1864.

In pursuance of law, the Senate of the Tenth General Assembly convened at 2 o'clock P. M., and was called to order by Lieut. Governor Needham.

At the request of the President, Senator Wharton, of Cedar County, invoked the Divine Blessing.

On motion of Senator Parvin, W. F. Davis, of Muscatine, was elected Secretary *pro tem.*

On motion of Mr. Gue, a Committee of five was appointed on Credentials.

The President appointed Senators Gue, Hesser, Foote, McCrary of Lee, and Burdick.

On motion of Mr. Cutts, J. H. Knox was appointed Sergeant-At-Arms *pro tem.*

On motion of Mr. Dixon, Addison S. Udell was appointed Messenger *pro tem.*

On motion of Mr. McCrary of Van Buren, Giles Turner was appointed Doorkeeper *pro tem.*

On motion of Mr. Hatch, David Hunter was appointed Fireman *pro tem.*

On motion of Mr. Hatch, the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER,
Des Moines, JANUARY 12, 1864.

Senate convened at 10 o'clock, A. M.

Prayer by Rev. Mr. Chamberlain.

The Journal of yesterday was read and approved.

Mr. Gue from the Committee on Credentials, submitted the following report :

The Committee on Credentials ask leave to report that they

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have examined the credentials of the following named Senators, and find the same to be correct, to-wit :

Samuel A. Moore, of the 3d Senatorial District.
 Nathan Udell, of the 4th Senatorial District.
 Ziba Brown, of the 5th Senatorial District.
 C. G. Bridges, of the 6th Senatorial District.
 L. W. Hillyer, of the 7th Senatorial District.
 D. P. Stubbs, of the 11th Senatorial District.
 Wm. C. Shippen of the 13th Senatorial District.
 John A. Parvin, of the 15th Senatorial District.
 J. F. McJunkin, of the 16th Senatorial District.
 John C. Hogin, of the 17th Senatorial District.
 Thos. McMillan, of the 19th Senatorial District.
 P. G. C. Merrill, of the 20th Senatorial District.
 B. F. Roberts, of the 21st Senatorial District.
 Thos. J. Saunders, of the 22d Senatorial District.
 Henry Wharton, of the 24th Senatorial District.
 M. E. Cutts, of the 26th Senatorial District.
 Elisha Flaugh, of the 27th Senatorial District.
 John Hilsinger, of the 29th Senatorial District.
 Joseph B. Young, of the 31st Senatorial District.
 W. B. King, of the 32d Senatorial District.
 H. C. Henderson, of the 33d Senatorial District.
 L. W. Hart, of the 36th Senatorial District.
 Benj. T. Hunt, of the 37th Senatorial District.
 Harvey S. Brunson, of the 38th Senatorial District.
 C. F. Clarkson, of the 39th Senatorial District.
 G. W. Gray, of the 40th Senatorial District.
 J. G. Patterson, of the 42d Senatorial District.
 G. W. Bassett, of the 43d Senatorial District.

The Committee find a certificate from the County Judge of Delaware County, certifying that John W. Brayton was elected Senator in the 35th District.

The certificate is not in accordance with law ; but the committee are satisfied that Mr. Brayton is entitled to a seat in the Senate.

The committee also find that Lewis W. Ross claims to be elected in the 8th Senatorial District, J. A. L. Crookham in the 18th District and Ezekiel Clark in the 25th District.

They are here without certificates, but we have satisfactory evidence that they have been duly elected, and would recommend that they be admitted to seats in the Senate.

Your Committee will report further from time to time as credentials come in.

Signed,

B. F. GUE, Ch'm.

The report of the Committee was adopted, and the following oath administered to the newly elected members, Senator Saunders affirming.

"You and each of you do solemnly swear that you will support

the Constitution of the United States, and the Constitution of the State of Iowa, and that you will faithfully discharge the duties of Senator to the best of your ability."

On motion of Mr. Boardman the Senate rules of the last session were adopted until otherwise ordered.

On motion of McCrary of Lee, the Senate proceeded to the election of permanent officers.

Senator Saunders nominated W. F. Davis of Muscatine county, for Secretary of the Senate.

Those voting for Mr. Davis were, Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hillsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippin, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. Davis having received a majority of all the votes was declared duly elected Secretary of the Senate.

Senator Udell nominated Mr. H. G. Curtis of Marion county, for Assistant Secretary.

Those voting for Mr. Curtis were, Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hillsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippin, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. Curtis having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Senate.

Senator Shipman nominated Mr. J. N. McCrary, of Van Buren County, for Engrossing Clerk.

Those voting for Mr. McCrary were :

Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hillsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippin, Udell, Wharton and Young -40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. McCrary having received a majority of all the votes cast was declared duly elected.

Senator Udell nominated Mr. H. C. Rippey, of Dallas County, for Enrolling Clerk of the Senate.

Those voting for Mr. Rippey were:

Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown.

Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. Rippey having received a majority of all the votes cast was declared duly elected.

Senator Moore nominated Wm. J. Law, of Davis County, for Sergeant-at-Arms of Senate.

Those voting for Mr. Law were: Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary, of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. Law having received a majority of all the votes cast was declared duly elected.

Senator Dixon nominated Mr. H. N. Clement, of Wappello County, for Door Keeper of the Senate.

Those voting for Mr. Clement were: Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. Clement having received a majority of all the votes cast was declared duly elected Door Keeper.

Senator Moore nominated Master Addison S. Udell, of Appanoose County, for First Messenger of Senate.

Those voting for Udell were: Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Master Udell having received a majority of all the votes cast was declared duly elected.

Senator Gue nominated Master Homer C. Boardman, of Clinton County, for Second Messenger of Senate.

Those voting for Boardman were: Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Master Boardman having received a majority of all the votes cast was declared duly elected.

Senator Udell nominated Mr. David Hunter, of Polk county, for Fireman of Senate.

Those voting for Mr. Hunter were, Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. Hunter having received a majority of all the votes cast, was declared duly elected.

Senator Burdick nominated Richard Stock, of Jasper county, for Paper-folder of Senate.

Those voting for Mr. Stock were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillin, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippin, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. Stock having received a majority of all the votes cast, was declared duly elected.

Senator Burdick nominated Daniel Stutsman, of Polk county for Paper-folder of Senate.

Those voting for Mr. Stutsman were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. Stutsman having received a majority of all the votes cast, was declared duly elected.

On motion of Senator Udell, the Senate proceeded to elect a Post Master. Senator Moore nominated Mr. A. P. Burrhis of Marshall county.

Those voting for Mr. Burrhis were Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown. Bridges, Clarkson, Crookham. Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Rost, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—40.

Absent and not voting, Senators Hesser, Jennings and Woolson.

Mr. Burrhis having received a majority of all the votes cast was declared duly elected.

Senator Foote offered the following resolution:

Resolved by the Senate the House concurring, That the Post Master of this General Assembly be directed to employ Theodore Guelick of Des Moines county, as Assistant Post Master, whose compensation shall be hereafter determined.

The resolution was adopted.

Senator Stubbs offered the following resolution, which was adopted:

Resolved, That the Secretary of State be required to furnish each member of the Senate with a copy of the Revision of 1860.

Senator McCrary of Van Buren, offered the following resolution:

Resolved, That the Secretary of State be requested to furnish each member of the Senate with as many two cent postage stamps as will equal the number of Daily and Weekly newspapers taken by each member, and ten three cent stamps per week.

Senator Udell moved the following as a substitute:

"That a Committee of three be appointed, with Senator McCrary of Van Buren as Chairman, to confer with the Post Master of this City, in relation to the postage of the Senate. Substitute adopted.

The President appointed Senators McCrary of Van Buren, Udell and Gray as said Committee.

On motion of Senator Gue, a Committee of two were appointed to inform the House that the Senate was now organized and ready to proceed to business.

The President announced the Committee as consisting of Senators Gue and Dixon.

Senator McCrary of Lee offered the following resolution:

Resolved by the Senate the House concurring, That the two Houses will meet in Joint Convention for the purpose of canvassing the votes for Governor and Lieutenant Governor, to-morrow at 10 o'clock, A. M., and that the Inauguration of the Governor and Lieutenant Governor shall take place on Thursday January 14th, at 11 o'clock, A. M.

The resolution was adopted.

On motion of Senator Udell, a Committee of two was appointed to wait upon the Governor and inform him that the Senate is organized and ready to receive any communication from him.

The President announced Senators Udell and Patterson as said Committee.

The Committee appointed to inform the House of the organization of the Senate reported their duty discharged.

The Committee appointed to wait upon the Governor made the following report:

Your Committee beg leave to report that they have discharged the duty assigned them, and are directed to inform the Senate that the Governor will communicate with the Senate in writing at two o'clock, P. M., to-day.

On motion of Senator Udell the Senate adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Senate convened at 2 o'clock.

Senator McCrary from the Committee on postage, submitted the following report :

The Committee appointed to confer with the Post Master of this City and make some arrangement with him as to the best manner of forwarding Legislative mail matter and paying postage on the same, have had an interview with him on the subject and would submit his written proposition, and the following resolution :

Resolved by the Senate, That the Secretary of State be instructed, in addition to the franking privilege on all letters, to furnish four dollars worth of wrappers or stamps, per week, to each member of the Senate.

On motion of Senator Hatch the report of the Committee was adopted.

Senator Roberts offered the following:

Resolved, That each member of the Senate be allowed 30 copies of Daily or their equivalent in Weekly newspapers, published within the State.

Senator Foote moved to amend by striking out "30" and inserting "25."

Senator Parvin moved to substitute "15" for "25."

Amendment to insert "15" lost.

Amendment to insert "25" instead of "30" lost.

The original resolution was adopted.

A Committee from the House of Representatives announced that the House was organized and ready to proceed to business.

Senator Stubbs offered the following resolution which was adopted :

Resolved, That the Pastors of the several churches of this City

be invited to officiate as Chaplains of the Senate, in such order as they may determine.

On motion of Senator Foote a Committee of three was appointed to prepare rules for the government of the Senate.

The President announced as such Committee Senators Foote, Woolson and Parvin.

Senator Gray gave notice that he would on to-morrow or some subsequent day of the session, present a bill to amend Sec 5 Chap. 163 of the laws of the 9th General Assembly.

Senator Gue was granted leave to introduce Senate File No. 1 A Bill for An Act to repeal Chapter 17 of the Acts of the Ninth General Assembly, 1862, entitled "An Act to provide for the better protection of the Southern Border of this State. The Bill was read a first and second time and on motion of Senator Udell, was referred to a Select Committee consisting of Senators Bridges, Hillyer and Moore.

The following message from his Excellency the Governor, was announced by his Private Secretary, R. G. Orwig, Esq. :

Gentlemen of the Senate and House of Representatives:

I am happy to be able to congratulate you upon the prosperity of our State. During the last two years our people have enjoyed their usual good health, and have secured reasonably abundant harvests. Labor has been well rewarded, and the products of labor have brought remunerative prices. The educational interests of the State are as prosperous as ever; and peace and good order within our borders, although on one or two occasions somewhat imperiled, have been maintained.

Let us render thanks to God for these blessings vouchsafed us during the existence of a desolating war, that has so scourged a large portion of our land.

FINANCES.

Our State finances have never before been in a more healthy condition. Our entire State debt is only \$622,295.75, consisting of loan from School Fund \$122,295.75; loan of 1858, \$200,000, and war loan of 1861, \$300,000. Of the \$800,000 of war bonds authorized to be sold, \$500,000 remain on hand—none have been offered since the \$300,000 were sold; and it is believed no further sales will be necessary.

The report of the State Auditor shows that the moneys now in the Treasury, the delinquent taxes, the amount estimated to be due from the United States, and the taxes for 1863 and 1864, are sufficient to pay the estimated expenditures for the next two years, the outstanding Warrants on the Treasury, and our entire State debt, leaving a balance in favor of the Treasury of about \$200,000.

Provision should be made for the redemption of the bonds issued

in 1858 and 1861-2 as they fall due. I recommend that a sufficient sum be set aside, annually, for this purpose, and invested, with its accumulations, in United States or other good stocks. In my judgment, the amount due the School Fund should be permitted to remain as a permanent debt of the State. The State is trustee of this fund, and liable for all losses thereto; and there can be no safer mode of investing this amount of the fund, than the present.

The Report of the Auditor still shows a large amount of delinquent taxes. So much of this as is due upon real estate will be finally paid; but it is thought, a very considerable portion of the delinquency is due upon personal property, by persons not owning any real estate, much of which will be lost.

Under our revenue law, real estate is assessed biennially, and personal property annually. The assessments are made between the first of January and the first of April; the levy is made in September, and the taxes become delinquent on the first of February of the next year. It thus happens that persons may bring into the State, for sale, or may buy within the State, large amounts of personal property, which are assessed to them for taxation; may keep and use the same, within the State, more than a year, and finally dispose of it before the tax becomes delinquent; and if such persons do not own real estate in the same county in which the personal property was assessed, there are no means of compelling payment of the taxes due. This defect in the law should be remedied in justice to the State, and to the owners of real estate, who already bear their full share of the public burdens.

I renew the following recommendations, made by me to the Ninth General Assembly:

"In order to make the revenue of the State more certain, I recommend that the County Treasurers be required by law to pay the State Treasurer, at fixed times, certain proportions of the amount of revenue due to the State, until the entire sum for each year is paid, whether the County Treasurers have received the entire amount of State tax or not. At present the State is wholly helpless as to its revenue. It has to depend wholly upon the officers of counties for its collection and transmission, and if the county officers are inefficient, the State is remediless. Each county is now liable by law to the State for the amount of State tax assessed in it, but this liability, without any means of making it effective, is useless. If the counties were required to pay the revenue due the State, whether collected or not, the County Supervisors would be stimulated to require of the Treasurer a strict performance of his duties; and if, in addition, you should so change the present law as to give County Treasurers in lieu of salary, a per centum on the amount of money collected and disbursed, or provide for township collectors to be paid in the same way, our taxes would, in my opinion, be more punctually paid."

"I also recommend that it be made the duty of the Board of

Supervisors of each county to employ a competent accountant, once in each year, to examine the accounts of each county officer, and state an account between each officer and his county, and between officer and officer; and also that County Treasurers, and all other persons who receive public moneys, be prohibited, under severe penalties, from using them in any way, or placing them with others to be used, for their private benefit."

There is due this State, from the United States, for expenses incurred by the State in raising and equipping troops, and sending them to the field, and for other purposes growing out of the rebellion, the estimated amount of \$300,000. There is much difficulty in procuring an adjustment of this claim at Washington. When these moneys were expended by the State, there was no law of Congress, or regulation of the Federal Government, prescribing the form in which proof of the expenditures should be taken; and the General Assembly of this State provided, by law, for such proofs and vouchers as were deemed sufficient, both for the protection of the State and the United States. Upon presentation of these proofs and vouchers to the proper Department at Washington, they are found not to comply, in form, with regulations since adopted by that Department; and it is doubtful whether they will be allowed without some legislation by Congress. Some portions of these expenditures, thus made, are also objected to as not coming within the letter of existing laws of the United States. Among these are the sums paid by the State for the subsistence and pay of the troops that went from this State to Missouri, at the request of the United States officers, under the command of Colonels EDWARDS and MORLEGE.

There is, also, an unsettled claim against the United States, for expenditures by the State, for the protection of our people during the two winters following the massacre on our north-western frontier, by Ink-pa-du-tah and his band. The United States are also, in my judgment, justly liable for the amount expended by this State in protecting our people on the north-western and southern borders since the commencement of the rebellion. I recommend the appointment of an agent of the State to proceed to Washington to press the adjustment of these claims, and to secure, if necessary, additional legislation by Congress for that purpose.

The expenditures of the State on the north-western and southern borders are made payable, by law, out of the War and Defense Fund. This fund was found to be insufficient, and, in June last, a large amount of warrants on that fund were outstanding and drawing interest for want of means to pay them. There was, at the same time, a large amount of ordinary revenue in the Treasury not needed for ordinary expenses, and the Auditor and Treasurer, upon consultation with me, decided to apply the ordinary revenue to the payment of the War and Defense Fund Warrants, so far as it could be done without interfering with the payment of ordinary

revenue warrants as presented. This was done to the amount of about \$159,000, and thereby a considerable amount in interest was saved to the State. As some doubt exists as to the strict legality of this course, the matter is laid before you that you may take such action as may be necessary. If the amount due from the United States could be recovered, it would, probably, be sufficient to reimburse the revenue fund and redeem all outstanding warrants and claims on the War and Defense Fund.

In my judgment, all real estate should be carried on the tax books in the name of the true owners; and this result can be effected with very little labor and expense, by requiring the Treasurers to furnish the Assessors with complete lists of the names of all real estate owners, as shown by the last tax book; to correct the names erroneously entered, whenever such error is shown upon the payment of taxes, and by requiring all deeds to be presented to the Treasurer for the transfer of the real estate therein described to the new owner, before the same can be recorded.

I recommend the enactment of a law for receiving the new national currency, and a modification of the present law for receiving the notes of branches of the State Bank, that both may be available in payment of taxes. As the law now stands, the notes of said branches cannot, legally, be received after any one of them shall have suspended specie payment. A change of the law so as to authorize the receipt of these notes, so long as they shall be redeemed in legal tender notes of the United States, would, in my judgment, be wise and proper.

I cannot leave this subject without special mention of the Board of Auditing Commissioners. I am well satisfied, that, to their faithful and impartial discharge of their duties, the State is largely indebted for its protection against improper claims, and, consequently, for its healthy financial condition.

THE SCHOOL AND UNIVERSITY FUNDS.

The situation of these funds demands your earnest attention. You are their guardians and custodians. Upon their management depends, to a great degree, the educational interests of the State; and upon the proper education of our youth depends the welfare and safety of our Government.

I cannot approve the system by which these funds are now managed. The principal, received by the State in cash, has been distributed among the counties, to be loaned to individuals by certain county officials; at one time by the School Fund Commissioners, at another by the County Judges, and now by the County Clerk, subject to a limited control by the Board of Supervisors. Would any of you, having a large amount of money to lend, lend it through those agencies? If not, is it right to do so with the public money? Is it not right and proper that you should do, in regard

to these funds just what you would were they your private property ? . The present system is, in my judgment, a bad one, for two reasons. In the first place, it must happen in many cases that the County Clerk is not fitted, by previous business training, to make safe and judicious investments ; especially, he may not have the necessary legal knowledge to enable him to determine, accurately, the sufficiency of the title to real estate offered as security for a loan. In the second place, the money may be used to promote personal or political objects. A corrupt Clerk will use, and an honest but weak one, will be sorely tempted to use his power to lend these moneys to secure his own political interest or that of party friends. The system, in my opinion, is wrong in theory, and that it is unsafe in practice is clearly shown by the large amount of insufficiently secured principal and delinquent interest. I therefore earnestly recommend that the lending of any portion of the principal of said funds, as heretofore, be prohibited, and the enactment of a law that will require the investment, by the Treasurer of State, of such principal, as the same may be paid in, in stocks of the United States, or of this State.

In this connection I request your special attention to the Report of the Auditor of State on this subject.

SCHOOL AND UNIVERSITY LANDS.

The School Lands consist of the five hundred thousand acres grant, and the Sixteenth Section. Large quantities of these Lands have, from time to time, been sold by county officers, authorized by law to make such sales. These sales have been generally made upon time, the purchaser paying in hand a portion of the purchase money, and taking a contract entitling him to a patent from the State upon the payment of the balance with annual interest. Many of these sales were made at high prices, before the monetary revulsion of 1857, and many of the purchasers have, since that revulsion, failed to pay either principal or interest. Portions of the lands have thus become forfeited to the State for non-payment of the purchase money, and have been re-sold to other parties. But there is no sufficient provision of law requiring such forfeitures and re-sales to be reported to any State officer, and the result is that it is now impossible to ascertain, from any record at the Capitol, the number of acres or the particular description of the several parcels of the School Lands yet unsold.

This condition of affairs should not be permitted to continue, and I recommend the enactment of such laws as will remove the difficulty.

The Saline Lands and Funds are now "a part of the Permanent Fund" of the State University. I call your attention to that part of the Report of the Register of the State Land Office, which shows the necessity for further legislation in regard to the issuance of

Certificates of full payment for the portion of these lands already sold, and recommend that the Treasurer of the University be authorized to issue such certificates, and that the power to sell the unsold portion of the lands be vested in the Trustees.

In many cases School Lands were sold, prior to 1857, at such high prices that, after that date, they were not worth the amount due on them. The purchasers have ceased to pay either principal or interest. I suggest the inquiry, whether it would not be well to provide for the surrender of these lands to the State, the purchaser being relieved from further liability, by forfeiting payments already made, without resort to legal proceedings.

I call your particular attention to the full and able report of the Register of the State Land Office. It contains much valuable information touching the various land grants made to the State, and suggests several points upon which further legislation is needed.

THE 500,000 ACRES GRANT.

As I have elsewhere stated, it is not possible to ascertain, in any office here, the amount or the description of the various parcels of this land yet unsold by the State. The records of the Register show the amount that has been patented to purchasers, but do not show how much of the balance has been sold or is held under contract of sale, and how much is unsold. This is also true of the Sixteenth Section lands. The Ninth General Assembly provided, by law, for the purchase, for the use of the School Fund, of lands mortgaged by borrowers of that fund, as security, but the law does not provide for the making of a return to the Register, of lands thus purchased and of sales made thereof by the officers authorized to sell. Information on all these points can be had, only, in the various counties. Under these circumstances, it is clearly impossible for the State to exercise, over these lands and their proceeds, that vigilant superintendence it should exercise. These lands were granted to the State, in trust, for educational purposes, and good faith to the grantor, as well as the best interest of the State, involved in the education of our youth, require the utmost care and vigilance in the execution of the trust.

I therefore recommend the passage of a law making it obligatory upon the proper county officers to make return to the Register of all the lands of the Sixteenth Section and the 500,000 Acres Grant, sold in their respective counties, the dates of sales, the names of the persons to whom sold, the terms of sale, and the extent to which these terms have been complied with, the forfeitures to the State for non-payment, and the re-sales of the lands thus forfeited, with full particulars, and like full information concerning the lands mortgaged by borrowers of the School Fund, and purchased by the State for the use of the said fund. To secure uniformity, it would be well to require the Register to furnish forms to the county

officers, and, to secure the making of the returns, it would also be well to provide for the punishment of any officer failing to make them.

The University Grant Lands are now under the control of the Trustees of the University, and the Saline Lands, now belonging to the University, should, I think, be under the same control. I recommend, however, that the Register be required to call for, and the Trustees to furnish, information in regard to these lands, similar to that above named in regard to the School Lands, that the Register may have, in his office, full and particular evidence of their situation.

THE DES MOINES RIVER GRANT.

Portions of these lands, above the City of Des Moines, have been sold to individuals, whose titles are now contested by certain Rail Road Companies. I repeat a portion of my communication to the Ninth General Assembly, on this subject, as follows :

"The State having only conveyed what title it had to these lands, may not be, legally, liable to make good any loss resulting to others from a failure of that title; but, certainly, is morally bound, at least, to do what may be reasonably and fairly done to protect the rights and interests of those threatened with such loss. When the State granted to the Railroad Companies the lands granted to the State by Congress, for Railroad purposes, it was not contemplated by the parties, certainly it was not contemplated by the State, that it was granting to these Companies lands previously conveyed by the State to others; and if, since the making of these grants, the Companies who are to receive the benefit of them, have discovered that, by strict legal construction, they are entitled to more than was contemplated, either by themselves or by the State, and are disposed to enforce, strictly, these legal rights, to the injury of innocent purchasers from the State, the State may, and, I think, should hold these Companies, in all things, to a strict compliance with the terms of the grants made to them. If these Companies are now in default, and ask the indulgence and clemency of the State, it seems to me the State may, very properly, before extending such indulgence and clemency, enquire and know what indulgence and clemency these Companies will extend to the unfortunate holders of these lands, and make for the one, with the other, such terms and conditions as may be equitable and just to all."

At that Session, a law was passed forbidding the Governor to certify any further lands to the Dubuque and Sioux City Railroad Company, until said Company should have released to the State, for the benefit of her grantees, the title to such of these lands as were claimed by that Company. No such release has been given, nor have any further lands been certified to said Company.

There is another conflict of title, between the Des Moines Navigation Company, claiming as grantee of the State, and the Railroad Companies, touching which the Report of the Register will afford you much valuable information. It is very desirable that these conflicts should be settled, because so long as they remain unsettled, the uncertainty of the title will prevent purchases from either of the contesting parties, and the lands will remain vacant.

The joint resolution of Congress, of date March 3d, 1861, and the act of Congress, of date July 12th, 1862, concerning these lands have, in my judgment, put it in the power of the State to do something towards an amicable and equitable adjustment of this difficulty, and I recommend that an effort be made to that end. I further recommend that, if such effort shall fail, the Attorney General of the State be directed to bring, or cause to be brought, in the Courts of the United States, if it may be done, such suit or suits as will procure from the Supreme Court of the United States a final decision of these vexed questions.

THE SWAMP LAND GRANT.

I recommend the modification of the law approved April 8th, 1862, providing for the appointment of agents in regard to these lands, so as to allow the appointment of but a single agent on the part of the State, and to prohibit the appointment of special agents by counties. I am well satisfied that a single agent, appointed by the State, will be able to effect more towards a speedy settlement of the Swamp Land business of the State, at Washington, than a larger number will do.

The same reasons which render desirable the settlement of the conflicting claims of the Railroad Companies, and the grantees of the State, to portions of the Des Moines River Grant, apply with equal force to the conflict of title that has arisen between certain counties and the Railroad Companies as to portions of the Swamp Lands. I invite your careful examination of the question, whether you can do anything to bring about a settlement of these conflicting claims.

The Swamp Lands are granted to the State upon the condition "that the proceeds of said lands, whether from sale or direct appropriation, in kind, shall be applied, exclusively, as far as necessary, to the purpose of re-claiming such lands, by means of the levees and drains aforesaid." The State by accepting this Grant, covenanted to perform this condition, either directly, or by those to whom she granted the lands; and this obligation still remains, and must continue to remain until it shall have been done. I recommend a careful examination of the legislation already had in regard to these lands, for the purpose of ascertaining if this point has been sufficiently secured, and supplying additional legislation, should it be found necessary.

I invite your special attention to that portion of the Report of the Register relating to the decision of the Secretary of the Interior, changing the form and substance of the proof required, of the swampy character of the lands sold by the United States, after the date of the Swamp Land Grant, for which the United States are to indemnify the State, and the decision of that officer, cutting off all claims for indemnity in counties where the Swamp Land selections were made after the 3d of March, 1857; and I recommend that you take the action suggested by the Register on these points. There can be no good reason why the claims of Iowa, under this Grant, shall not be settled upon as liberal terms as the claims of other States; and if, by want of county organizations in a portion of our State, the proper steps were not taken to secure these lands, in those counties, within the time limited by law, I have no doubt that Congress will, upon a proper presentation of the facts, extend the time so that it may yet be done.

AGRICULTURAL COLLEGE GRANT.

Under the Act of Congress, approved July 2d, 1862, granting lands to the States and Territories which may provide Colleges for the benefit of agriculture and mechanic arts, this State is entitled to receive 240,000 acres of land, upon the conditions contained in said Act. These lands have been selected and the selections are now being examined at Washington.

Among the conditions contained in the Act making the grant, are the following : that "no portion of said fund," (meaning the proceeds of the sales of the land granted) "nor the interest thereon shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation or repair of any building or buildings," and that "any State which may take and claim the benefit of this Act, shall provide, within five years, at least, not less than one College, as described in the fourth section of this Act, or the grant to such State shall cease, and said State shall be bound to pay the United States the amount received for any lands previously sold, and that the title to purchasers, under the State, shall be valid."

The fourth section of the Act, provides, that all the proceeds of the lands granted, (except one-tenth of the amount, which may be expended for the purchase of lands for sites, or experimental farms,) shall be invested in stocks of the United States, or of the States, or some other safe stocks," * * * "and the interest shall be inviolably appropriated, by each State which may take and claim the benefit of this Act, to the endowment, support and maintenance of, at least, one College, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture, the mechanic arts, &c."

The grant, thus made to the State, is a magnificent one, being about five times as large as that made for the support of the State University, and will, if properly husbanded and cared for, make a rich endowment. But, to secure the grant, sufficient funds must be provided, outside the grant, to erect the necessary buildings ; and then funds must be provided to meet the current yearly expences, until a quantity of the lands can be sold, the interest of the proceeds of which, invested as required by the law making the grant, will support the institution.

If these funds cannot be furnished or provision made in some other way to comply with the terms of the Grant, the State will lose the great benefits she may otherwise derive from this magnificent donation. I recommend the subject to your careful consideration.

THE SUPREME COURT.

I very earnestly recommend to you the passage of a law providing for the early appointment and subsequent election of an additional Judge of the Supreme Court; and also, that you make an appropriation of the sum of five thousand dollars to be expended, under the direction of the Court, for the purchase of law books for the State Library.

The first of these measures I deem necessary to enable the Court to do its work promptly, and the second, to enable it to do it well. This tribunal is one of the most important branches of our State Government. Upon its action more, perhaps, than upon that of any other branch of the Government, must our people depend for security for life, liberty and property. Questions are continually brought before it, from all parts of the State, affecting the most important interests of the parties to those questions ; and the rules and principles established in deciding them, become rules and principles controlling the interest of every resident of the State. It is, therefore, of the first importance that the Court shall have time to examine all questions fully and carefully before deciding, and that it should have the means of making that examination intelligently. The Court now consists of only three members, and the amount of business before it is such, that, either great delay must ensue in disposing of it, or it must be transacted in such haste as to preclude proper examination and deliberation. The addition of another Judge will largely increase its working capacity, and will afford more time for careful and intelligent action.

The absolute necessity for a good Law Library, to a court of last resort, must be apparent to all. It is as unreasonable to expect learned and correct decisions from a court deprived of a good library, as it is to expect good and well finished work from a mechanic without tools. The Reports of other States contain the well considered opinions of their most learned Judges; the ele-

mentary works contain the principles upon which our whole legal system is based, and to require our Judges to decide cases involving questions affecting the most vital rights and interests of our people, without the opportunity to consult these fountains of law, is unreasonable in itself, and tends to render doubtful and uncertain the principles controlling and protecting these rights and interests.

THE STATE UNIVERSITY.

This institution is now in a very flourishing condition. The number of students in attendance, at the present time, is over three hundred and fifty, and they come from all parts of the State. The Faculty are devoted to the interests of the institution, and it is rapidly becoming, what it was intended to be, an honor to the State and a powerful aid in promoting her highest interests.

I renew my former recommendation, that provision be made, by law, for a Military Professorship in the University. Such professorship will not only popularize the institution, but will impart to our young men a kind of knowledge, the want of which has cost us many men and much treasure, since the commencement of the rebellion; and the necessity for which, in the future, the history of other nations teaches, may come upon us at any time.

The Board of Education, at their last session, directed the Trustees of the University to establish a Military Professorship as soon as the General Assembly should make the necessary appropriations. I have placed two hundred stand of arms, with accoutrements, in the hands of the Faculty, and I earnestly commend the matter to your favorable consideration.

The present number of students in attendance upon the University is greater than the capacity of the University buildings to accommodate; and, with the prospective increase in numbers, these buildings will soon be entirely inadequate to the wants of the institution, and candidates for admission must be turned away for lack of room to receive them.

The former Hall of the House of Representatives, now used as a Chapel, is insufficient for the present numbers, and many are thus excluded from Chapel services. A larger Hall is imperatively needed for Chapel, Commencement and all other exercises requiring the assembling of the whole number of students.

There are no suitable rooms for the Chemical Laboratory. This, to our agricultural State, is, perhaps, the most important department of our University. Chemistry is becoming daily a more liberal contributor to agricultural knowledge and success; and the advancement of chemical science in our State, through the State University, should be especially encouraged.

Our University will not be complete until it shall have an Astronomical Observatory connected with it. This has already be-

come a prominent feature of the University of Michigan, and the demands of our more Western location will soon require it of us. A building may be erected to answer all these purposes at much less cost than to provide for them separately.

Our State now stands with the foremost of her sister States in her intelligent and heroic devotion to the political institutions of our country. She needs but to use her advantages to take an equally high position in science and literature. The people are ready to avail themselves of the facilities furnished, and only ask that the State shall supply them. I respectfully urge upon you such action as shall tend, ultimately, to place the State University of Iowa among the foremost of similar institutions in the land.

STATE HISTORICAL SOCIETY.

I call your attention to the report of the Curators of the State Historical Society.

Passing events render the work of this society vastly more important than ever before. We are now making history with wonderful rapidity, but are making it in a fragmentary manner. Future ages demand of us that we collect and preserve these fragments as material from which a full and reliable record of the great events of our day may be preserved! This, with the ordinary work of the Society in collecting the early history of our State, is more than it can well perform with the means at its disposal.

No man can be found to devote to it the necessary time without compensation. I recommend an appropriation of five hundred dollars, as compensation for this purpose, in addition to the five hundred dollars heretofore appropriated for other purposes.

CHARITABLE INSTITUTIONS.

The Reports of the Trustees of the Blind Asylum and of the Asylum for the Insane, are herewith submitted. I recommend the appointment of a special committee to visit each of these institutions for the purpose of examining into their condition and wants, and that all may be done that the condition of our finances will allow, to make these institutions effective for accomplishing the noble objects for which they were founded.

I call your special attention to the final Report of Commissioner for superintending the erection of the Blind Asylum.

The Asylum for the Deaf and Dumb is still at Iowa City, in a building rented for that purpose. The annual rent paid is \$375. Whether it is advisable, at this time, to erect a new building, the interest on the cost of which will far exceed the rent now paid, or whether it is best to continue to occupy the rented buildings for a longer time, are questions properly committed to your judgment and discretion. The Report of the Trustees, showing the expen-

ditures for the last two years, and the estimates for the ensuing two years, are herewith submitted.

There has been a material increase in the prices of nearly all the articles required for the support of the pupils in these institutions, and consequently there should be a proportionate increase in the sums appropriated.

THE PENITENTIARY.

I was notified by the Warden, in June, 1862, that the old shops in the prison yard had been destroyed by fire. The contract between the State and the contractors for the prison labor, required the State to furnish shop room to work the criminals. The contractors had, in a suit tried and determined before this fire, made the want of sufficient shop room the basis of a claim for heavy damages against the State, which had been allowed them, and I had good reason to believe the want of shop room, caused by the fire, would be made the basis of another similar claim. Under these circumstances, I requested the Attorney General to meet me at the prison, and, after consultation with him, the Warden and myself entered into a contract with Messrs. Winterbotham & Jones, contractors for the prison labor, for the erection of new shops, at a cost of \$8,504.67, which was paid as follows: Material from old shops, \$200; cash appropriated at the last preceding Session for a new blacksmith shop, \$2,500; proceeds of judgment in favor of State against contractors, \$945.59; the balance of \$4,859.08 to apply on the amount due, or to become due to the State, from the contractors, for prison labor.

It is a matter of doubt whether I had the authority to make this contract; but as the necessity appeared to be imperative, and as the contract could be made without drawing from the Treasury any money not appropriated by law, I deemed it my duty, having due regard to the interests of the State, to make the contract, and did so.

The new shops were completed in accordance with the terms of the contract, and have been ever since in use. The old shops were illly arranged, inconvenient and unsightly, and, situated as they were, near the centre of the prison yard, interfered materially with the preservation of proper order and discipline among the convicts. The new shops are large, substantial and well arranged, and much more favorably located than the old ones.

A new contract has not as yet been made under the law passed at the extra session of 1862, for re-letting the convict labor. I have very serious doubts whether it is advisable, at this time, to re-let the whole of the labor. A large amount of work must necessarily soon be done in and about the prison. As our population increases, the number of convicts will increase, and of course there will be necessary an increase of cell room. This can now be had,

most economically and advantageously, by building a Warden's house on the foundation already laid for that purpose, and using the part of the main building now occupied by the Warden, for cell room; and by raising the roof and walls of the main building so as to receive two additional tiers of cells. The wall on one side of the yard has not yet been built, and I understand some additional grading is needed before it can be. The convicts can do much of the labor required for these improvements as well as hired laborers, and at much less cost to the State. Should this policy be adopted it may be necessary to employ a few additional guards, but the additional expense will be much less than the difference between the cost of convict and other labor.

I have not been able to give as much time as I desired to supervising the affairs of the prison for the last two years; but I am of opinion everything has been done by the Warden and his subordinates, carefully, economically and well. The Warden's Report contains a full account of the receipts and expenditures, and a statement of what is, in his judgment, necessary to be done within the next two years. I invite your attention to this Report, and recommend the appointment of a special committee to visit the prison, to examine the condition of the prison buildings, for the purpose of determining the policy to be pursued in re-letting the prison labor.

ORGANIZING AND ARMING VOLUNTEER COMPANIES.

I became satisfied during the early part of last summer that designing men in this, as in other loyal States, were making preparations for an armed resistance to the authority of the General Government. The law of Congress, providing for a draft to fill the ranks of the Union Army, contained a provision that was eagerly seized upon to array the poorer of our people against the Government upon the specious pretence that the object of the law was to discriminate between the rich and the poor, to the injury of the poor.

The action of the Government, in freeing and using the slaves in the rebel States for the suppression of the Rebellion, was represented as a scheme, by the Government, to overrun the free States with the freed slaves, to the prejudice of the interest of the poor white man.

The Government had in some instances, arrested and temporarily imprisoned or sent beyond our lines, persons whose restraint the public safely required; and this was interpreted to mean an intention on the part of the Government to break down all the defences of civil liberty, and to establish a despotism. The entire policy of our Government, as interpreted by these men, was that the war was waged, not for the preservation of the Union, but for the abolition of Slavery; that the object of the Government, in seeking to

abolish Slavery, was to bring the freed slaves North and force their labor into competition with that of the poor white man; that by the so-called Conscription Law, the Government sought to force only the poor men of the country into the ranks of the army to effect these objects so prejudicial to their interests, and that while these objects were being effected, the Government intended to overthrow our free institutions and establish in their stead a despotism!

It is passing strange that intelligent men could be found so wicked as to make these statements, and that other men could be found so ignorant and foolish as to believe them. But so it was. These statements were made through the press and from the stump, in the most violent and exciting language, apparently with all the earnestness of conviction, and thousands of honest, but deluded men, believed them, and in consequence entertained feelings of deep hostility to the Government. In this excited state of the public mind, secret societies were organized in many, if not all of the loyal States, the members of which were, to some extent, secretly armed for the avowed purpose of protecting themselves against what were called "Arbitrary Arrests," but as I am satisfied, with the intent upon the part of the leaders to bring their members into armed collision with the General Government, in case any attempt should be made to enforce the draft. The natural result of these teachings and this action, was seen in the bloody riot that occurred in the chief city of the Union, and in similar smaller outbreaks in other places.

Under these circumstances, my duty seemed to me to be plain and clear. I was bound to see to the enforcement of the laws and the preservation of peace and good order; and when organized action was being taken throughout the State to prevent the one and violate the other, I did not think my duty permitted me to wait until the evil was upon us before I took steps for its prevention. I accordingly called upon the loyal men of the State, who were willing to aid in the enforcement of the law, to organize a volunteer military company in each county of the State. Such companies were promptly organized, in most of the counties, of loyal and substantial citizens, and, as they were organized, I placed arms and ammunition in their hands to make their organizations effective. By these means a sufficient force was provided to preserve the peace of the State and insure the enforcement of the law of Congress, without weakening our army facing the enemy by withdrawing any portion of it for that purpose, and, in my judgment, this state of preparation to preserve the peace, tended largely to prevent its violation.

There was but a single occasion in which it was necessary to use the force thus organized. About the first day of August last, as a number of persons, who had been attending a political meeting near the village of South English, in Keokuk county, were returning through that village, a collision took place between them and

other persons in the village, in which a Mr. Tally, who had addressed the meeting, was killed. The friends of Tally, instead of appealing to the laws and the officers of the law for redress, chose to assume that the officers of the law would not do their duty. They sent runners to various points, and in a short time had gathered, near Sigourney, the county seat of the county, a large body of armed men, who undertook to dictate to the officers of the law for what offense and in what manner, the persons charged with killing Tally should be tried and punished. Much alarm existed throughout the county. The county funds were sent off for safety, and arrangements were made to send away the county records; and orderly and law-abiding people were in great anxiety and terror. As soon as these facts were made known to me, I at once ordered to Sigourney a sufficient number of volunteer companies, of infantry and artillery, to give protection to the people and the officers of the law, and to show those assembled for unlawful purposes, not only the hopelessness, but the danger of their attempt to overawe the authorities; and I am glad to be able to inform you that the display of force was sufficient to effect the desired object. As soon as it became known that a force was being gathered to sustain the law, the unlawful assemblage quietly dispersed, order and tranquility were restored, and the officers of the law were left unmolested in the performance of their duty.

The Companies thus organized and armed are still in existence, and, should any further legislation be deemed necessary for their efficiency, I recommend that such legislation be had.

In closing this subject, I would return my thanks to the officers and men ordered by me to Sigourney and South English, on the occasion referred to, for the promptness with which they responded to the order, and their soldierly conduct and bearing while on duty.

At the commencement of the Session of the Ninth General Assembly, the State had organized and sent to the field fourteen Regiments of Infantry, three Regiments of Cavalry, and three Batteries of Artillery; and had in progress of organization, two Regiments of Infantry and one of Cavalry. Of these Regiments, the First Infantry was enlisted for three months, and had then been mustered out of service. All the others were enlisted for three years. Since the commencement of that Session, the two Regiments of Infantry and one of Cavalry, then incomplete, have been organized, and in addition thereto, twenty-four Regiments of Infantry, five Regiments of Cavalry, and one Battery have been enlisted, and all for three years. Besides these complete organizations, a large number of men have been enlisted for Regiments in the field. I have not been able, as yet, to ascertain whether the quota of this State, under the last call of the President for volunteers to fill the ranks of our veteran Regiments, has been filled. If it has not, the deficiency cannot be large, if the proper credit has

been given by the Provost Marshal General for our excess over all quotas previously called for, and can be easily and promptly filled by draft.

Besides the troops thus furnished to the army of the Union, there were organized, as required by the Acts of the Extra Session of 1862, five companies of mounted men for the protection of our north-western frontier against Indians, and ten Companies of mounted men on our southern border, to protect the persons and property of our people on that line, against the depredations of organized bands of guerrillas from Missouri. The Report of the Adjutant General will furnish you full information of the number of men that have been kept in active service on each of these lines, and of the number now in service. The companies on the north-western frontier have all been disbanded, and their place supplied by troops of the United States. While these companies were in service, they were required to erect block-houses and other buildings, at different points, for their own convenience, and to serve as rallying points for the people in case of attack. These buildings are now occupied, in whole or in part, by the United States troops on that line. I recommend such legislation as may be necessary for the preservation of these buildings. They may be useful in future, in case of another outbreak of the Indians.

We owe much, very much, to the brave men who have gone out from among us to take their places in the ranks of the army battling for the preservation of the Constitution and the Union. We owe much to those of them who are still living to fight for us, and much more to the families of those who have given their lives for our protection. Their duty to go was no greater than ours, but, in patriotism, they far excelled us. How shall we pay this debt? The praise we so freely accord, the honors we so joyfully confer upon them, and the gratitude we so deeply feel, are but small recompense. Of those who have died in the hospital and on the battle field, may have left behind them young children, who need care, protection and education, which the State is under the most solemn obligation to supply. Some of the soldiers yet living, have been so far disabled that they cannot properly care for themselves. These we should support and maintain. I very earnestly recommend, that, either wholly by the State, or, by means of aid furnished by the State to those of our people who may be disposed to enter upon this work, ample provision may be made for a home in which the children of our deceased soldiers may be cared for and educated, and in which those of our soldiers who may be unable to support themselves, may pleasantly live, the honored guests of a grateful people.

I renew a recommendation made by me in a Special Message to the General Assembly convened in Extra Session in 1862, as follows :

"The burthens of the war now being waged by our people for

the preservation of our Government, bear heavily upon us, and should be borne as equally as possible. These burthens are of two kinds : First, that of military duty in the field ; and second, that of taxation at home. It seems to me to be unequal and unfair that those of us who bear the first of these burthens should be compelled to share with those of us who remain at home the second ; that the soldiers who are fighting our battles in the field should be also compelled to pay their share of taxes equally with those who do not share their perils and privations.

"The compensation paid to those of our soldiers who hold commissions is sufficiently liberal to enable them to pay their taxes without inconvenience ; but it is not so with their no less worthy but less fortunate comrades. It would, I think, be a just recognition by us, of our appreciation of the patriotism and self-sacrifice of the latter if we were to release them, during their service from all taxes levied under State laws, and it would doubtless be news of comfort and cheer to them amid the dangers and trials by which they are surrounded for our sakes, that we had been careful that the houses that sheltered their wives and their little ones had been secured from danger of sale for taxes by our voluntary assumption of their share of the one burthen, while they are bravely bearing our share of the other. I therefore recommend to you that you pass a law exempting from all taxation under the laws of the State, the real and personal property of all non-commissioned officers and privates in the Regiments of this State in the Army of the United States, during their continuance in service, and that for the current year there be added to the per centum of taxation upon the valuation of the property of all other tax-payers the sum of one-fourth of one mill on each dollar of such valuation, to cover the deficiency in revenue thereby created."

Much has been done by Sanitary Associations, in this and other States, for the health and comfort of our troops in the field and in the hospital, and for the support of their families at home.

The business of the General Sanitary Associations and of the local Aid Societies, in furnishing supplies to our soldiers in the field, has now become well arranged and systemized, and, consequently, much more effective. This work can be done much better by those Societies than by the State, and I recommend that the State leave the matter in their hands. There should, however, be a liberal appropriation for a contingent fund, under the control of the Governor, from which he can, upon emergency, furnish aid to these Societies and to sick and disabled soldiers, under special circumstances, and by means of which, he can send to and keep in the field, such agents of the State as may be necessary for the comfort and well-being of our soldiers.

I very earnestly recommend, that some systematic mode of furnishing aid to the needy families of our soldiers be adopted. Whether this can be best done by moneys furnished by the State

and distributed by persons appointed by the State, or, through the instrumentality of local Aid Societies, is a question of doubt. It is very certain the work should be done in some way, and I have no doubt your wisdom will ascertain and adopt the proper mode.

The office of the Adjutant General has, since the commencement of the war, been, and still is, a very important one. The labor and responsibility of the Adjutant General have been very great. The labor has always been well and promptly performed, and the responsibility cheerfully borne. The books of the office are well systematized and kept in most excellent condition. They embody a mass of information, in a neat and accessible form, that will, in the future, be highly useful to our soldiers and their friends and to the State. It affords me great pleasure to say, that much of whatever success has attended the raising and organization of troops in this State, is due to the efficient services of the present incumbent of that office. The compensation, now allowed by law, is, in my judgment, wholly inadequate, and I recommend the increase of the salary to the sum of two thousand dollars per annum, with an allowance for traveling and other extraordinary expenses.

NATIONAL AFFAIRS.

I cannot close this communication and with it, my official connection with the people of our State, without adverting to the condition of national affairs in which we are all so deeply and so vitally interested.

The war for the destruction of the Union on the one hand, and for its preservation on the other, still goes on. During the present year the successes of the Union armies have been so numerous and so important that the public mind appears to have settled down into the belief that our ultimate success is certain and not far distant; and is now, to some extent, occupied with the question of reconstruction, so-called—the question as to the manner in which, and the terms and conditions upon which, the people within the territory composing the rebel States can again take part with the people of the loyal States, in administering the affairs of the General Government.

The President has recently issued a Proclamation to the people of the rebel States, in which he proposes to them such terms and conditions as, in his judgment, are right and proper. He proposes, in substance, that as soon as a number of the voting population of any one of those States, equal to one-tenth of the entire voting population of the State, as shown at the last Presidential Election, shall take an oath, the form of which is prescribed, and shall establish a new Government, Republican in form, and consistent with the terms of the prescribed oath, such Government shall be recognized as the true Government of the State, and protected as such.

The terms of the prescribed oath are, that the party taking it "will henceforth faithfully support, protect and defend the Constitution of the United States and the union of the States thereunder; and will, in like manner, abide by and faithfully support, all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court."

Certain persons, that is to say "all who are or shall have been civil or diplomatic officers or agents of the so-called Confederate Government; all who have left judicial stations under the United States to aid the rebellion; all who are or shall have been military or naval officers of said so-called Confederate Government, above the rank of Colonel in the army, or of Lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States, and afterwards aided in the rebellion; and all who have engaged in any way, in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity," are excepted from the benefits of the Proclamation; all others, complying with the terms and conditions, have extended to them a full pardon "with restoration of all rights of property except as to slaves and in property cases where rights of third parties shall have intervened."

The President, in his Proclamation, further declares "that any provision which may be adopted by such State Government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent, as a temporary arrangement, with their present condition as a laboring, landless and homeless class, will not be objected to by the National Executive. And it is suggested as not improper, that in constructing a loyal State Government in any State, the name of the State, the boundary, the subdivisions, the Constitution and the general Code of Laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions herein before stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State Government."

It seems to me these terms and conditions are eminently just and proper—fair and liberal to those to whom they are offered, and such as the permanent peace of the country requires.

All the people in the rebel States, perhaps, in law, certainly, a

great majority, both in law and in fact, have committed treason—are guilty of that crime before the law, and are liable to the punishment affixed, by law, to the commission of that crime.

It would not be safe and judicious, either to punish all or to permit all to escape punishment. The leaders, the most guilty, should be punished. The mass, the least guilty, should be pardoned. An inspection of the exceptions from pardon, made by the President, will show he has made this distinction.

But, in extending pardon to the mass, it is just and proper that reasonable terms and conditions should be made.

The terms and conditions proposed by the President are, that the party guilty of treason shall swear, 1st, "That he will faithfully support, protect and defend the Constitution of the United States, and the union of the States thereunder." 2d, That he will "abide by and faithfully support all acts of Congress passed during the existing rebellion, with reference to slaves, so long and so far as not repealed, modified or held void by Congress or by decision of the Supreme Court." And 3d, That he will "abide by and faithfully support all proclamations of the President, made during the existing rebellion, having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court."

Are these terms and conditions reasonable? No possible objection can be taken to the first requirement—that these men shall support the Constitution and the Union. The second and third requirements are that these men shall abide by the laws of Congress and the Proclamations of the President concerning slaves, until those laws shall be changed by Congress, or those laws or the President's proclamations, be decided void by the Supreme Court. This is just what it is the duty of every loyal citizen to do—to abide by and support the law until changed by the law-making power, or declared void by the Courts.

It may be said that the Proclamations of the President are not laws; that he had not the Constitutional power to issue such Proclamations. But the President believes he had the Constitutional power so to do, and has so done, and he only proposes that these acts shall stand in law "so long and so far as not modified or declared void by decision of the Supreme Court." In imposing these terms and conditions on those in rebellion against our Government, who may desire to lay down their arms, the President is but requiring of them the performance of a duty required of all men who have remained loyal.

Upon accepting these terms and conditions, the men now guilty of treason and liable to punishment as criminals, are at once pardoned—are restored to their rights as citizens and again permitted to take part in administering our Government, and, at the same time, are restored to all their rights of property, except as to slaves, and where the rights of third parties have intervened. These exceptions are inevitable. If the acts of Congress, and the Procla-

mations of the President concerning slaves, are Constitutional, then, so far as these acts and Proclamations reach, the slaves have become free, and cannot be restored to their former masters. Where property has been disposed of to third parties, under the Confiscation Act, it cannot be restored. Whatever has been lost to these men has been lost by reason of their own crimes; whatever yet remains will be restored if they will cease to be criminals.

Aside from the consideration, that, if the laws of Congress and the Proclamation of the President concerning slaves are valid as law, those who have been freed thereby cannot be again enslaved—aside from the consideration, that, even if this could be lawfully done, the doing of it would involve such a breach of honor and good faith, as would justly render us, as a nation, infamous throughout Christendom—aside from all considerations connected with slavery, as a social or moral question—aside from all considerations connected with its political effects upon the particular communities in which it exists, and looking upon it only in its bearing upon the present condition of our country, it seems to me that no man, who does not set the institution of slavery above the Union of the States, can now fail to do all that he lawfully may to aid in removing this curse from our nation.

It is directly or impliedly admitted by all, that slavery is the cause of the civil war now desolating the land, although different parties endeavor to throw the immediate blame upon their adversaries. The anti-slavery men of the country say that slavery is the cause of the war because, being founded on force, it is necessarily aggressive in its character; that it necessarily makes slave-holders, as a class, haughty, overbearing, impatient of control and unwilling to submit their opinions to those of the majority, whom they consider their inferiors. Some of the rebels admit, frankly, that the desire to perpetuate slavery and to make it the "corner stone" of the new Confederacy, caused the rebellion, while others, and their apologists generally, insist, that the cause of our troubles is, not slavery itself, but the "fanaticism" of anti-slavery men on the subject of slavery; and there is still another class of our people who declare, that in their judgment, the cause of the war is to be found in the "fanaticism" upon the subject of slavery among extremists, North and South. These are but various statements of the same thing, showing that, however prejudice or partizanship may seek to evade or disguise the fact, our people, generally recognize slavery as the cause of the war.

It is also true that Slavery has been very much weakened since the war began; very large numbers of slaves have been set free, in fact, while other very large numbers, yet under the partial control of their masters, have been so operated upon by events as to make them unfit for slaves. It is, indeed, thought by many men, North and South, that in any event, Slavery will perish.

It is also true that the anti-Slavery sentiment of the country is stronger than ever before. The convictions of the anti-Slavery men of the country, as to the dangerous nature of the institution, have lost nothing of their strength, while many thousands who, before the war, were either indifferent or positively favorable to Slavery, are now among its most determined opponents. Is it wise, then, for us, at a time when this cause of our troubles has nearly passed away, so to shape our action as to preserve a remnant that may take root and spread, until it has brought upon those who come after us, the terrible evils we are now enduring? Had we not better remove this cause of strife, and that being done, may we not reasonably hope that, when the natural bitterness growing out of our present strife shall have passed away, the kindly and fraternal feelings which, but for this cause, would have always existed, may be again restored?

But we should not permit the discussion of these, or similar questions, to divert us from the paramount purpose of prosecuting the war earnestly and vigorously, until all men in rebellion against the Government shall, either voluntarily or by compulsion, lay down their arms. In this consists our only safety, and I feel well assured that you will, so far as depends on you, see to it that Iowa, in the future as in the past, will do her full share of this good work, promptly and well.

The position occupied by our State, in this war for the preservation of the Union, is a proud and enviable one. From the first out-break of the rebellion until the present time, Iowa has neither faltered nor wavered in the discharge of her duty. In both branches of the National Council she has presented an unbroken front to treason and rebellion, and has given a steady and undivided support to the General Government. Her State Government, in all its branches, has given evidence of her unflinching and unconditional loyalty and devotion to the good cause. Her people have, at all times and promptly, filled all requisitions made upon them for troops to fill the ranks of the Union armies; and the men she has sent to the field have been, at least, second to none in all soldierly qualities.

To these men yet another word is due from me. When this war began, ours was a new State, without a history. To-day, her name stands on one of the brightest pages of our country's record—graven there by the bayonets of our brave soldiers, and that page is all over glowing with the proofs of their heroism and devotion. We have sent to the field no Regiment of which we do not feel justly proud, and the bare mention of the names of many of them stirs the blood and warms the heart of every Iowan.

It may perhaps be permitted me to say that I trust that when the history of the gallantry and devotion of these men shall be written, the position I have held will of necessity connect my name humbly, and not discreditably, with theirs, and that this trust

affords compensation for somewhat of toil and care which have attended that position, and should be sufficient to satisfy an ambition greater than mine.

SAMUEL J. KIRKWOOD.

Senator McCrary of Lee moved that the Message lie on the table, and that 5,000 copies be printed in the English, and 2,000 copies in the German language.

Senator Burdick moved to amend by adding 1,000 copies in the Norwegian language. Adopted.

The original motion as amended prevailed.

Senator Patterson offered the following:

Resolved, That the Secretary of State be instructed to furnish to each of the Senators a copy of the Session Laws of each General Assembly since 1860; and of all acts of the Board of Education.

Resolution adopted.

On motion of Senator Roberts Senate adjourned till to-morrow morning at ten o'clock.

SENATE CHAMBER, }
Des Moines, January 13, 1864. }

Senate convened at 10 o'clock, A. M.

Prayer by Rev. J. A. Nash.

The Journal of yesterday was read and approved.

Senator McCrary of Lee, from the Committee on Credentials, reported that the credentials of Senator Knoll, of Dubuque, had been examined and found correct.

Report of Committee was adopted and the oath administered to Senator Knoll.

On motion of Senator Boardman, Senator Gue was excused from attendance to-day.

Senator Stubbs, obtained leave to introduce Senate File No. 2, a Bill for an act to authorize the Clerk of the County Board of Supervisors to give the casting vote in case of a tie.

Bill read a first and second time, and on motion of Mr. Hatch was referred to a select committee.

The President announced Senators Hatch, Clarkson and Burdick as such committee.

The following message was received from the House of Representatives :

MR. PRESIDENT:—I am directed to inform the Honorable Senate that the House of Representatives have concurred in the following Resolutions sent from the Senate:

"Resolved by the Senate, the House of Representatives concurring: That the Post Master of this General Assembly be directed to employ Theodore Guelich of Des Moines county, as Assistant Post Master, whose compensation shall be hereafter determined ; Also, that the House has concurred in the following from the Senate :

Resolved by the Senate, the House of Representatives concurring: That the two Houses will meet in Joint Convention for the purpose of canvassing the votes for Governor and Lieutenant Governor, to-morrow at 10 o'clock, and that the inauguration of the Governor and Lieutenant Governor, shall take place on Thursday, January 14th, at 9 o'clock P. M.

JACOB RICH, Chief Clerk.

On motion of Senator McCrary of Lee, the amendment of the House, to concurrent Resolution of the Senate, fixing the time for the canvassing the votes for Governor and Lieutenant Governor was concurred in.

Mr. Hogin asked leave to introduce Senate File No. 3, a Bill asking Congress to increase the pay of the non-commissioned officers and privates in the army of the United States.

Bill was read a first and second time, and on motion of Mr. Burdick the rules were suspended and the Bill read a third time.

The question being shall the bill pass ?

The yeas were, Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flauth, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton Woolson and Young—42.

The nays were none.

The Bill passed and its title agreed to.

A committee from the House announced that in pursuance to a joint resolution of both Houses, the House was now ready to receive the Senate in Joint Convention, for the purpose of canvassing the votes for Governor and Lieutenant Governor.

On motion of Senator McCrary of Lee, Senator Foote was appointed Teller on the part of the Senate.

Mr. Woolson introduced Senate File No. 3, a Bill for an act providing for Assistant Collectors, and for the better collection of taxes.

Bill was read a first and second time, and on motion of Mr. Woolson was laid on the table and ordered printed.

Senetor Bridges from the select committee, to whom was referred Senate File No. 1, reported the same back without amendment, and recommended its passage.

On motion of Senator Hatch the Bill was ordered engrossed and read a third time to-morrow.

Senator Foote from the committee appointed to prepare rules for the Senate, submitted the following report.

SENATE RULES.

ORDER OF DAILY BUSINESS.

After the journal is read, the following order shall govern:

1. Presentations of petitions and memorials.
2. Introduction of bills.
3. Resolutions.
4. Communications on the President's table.
5. Reports of Standing Committees, in the order in which they stand in the rules, except the committees on Engrossed and Enrolled bills.
6. Reports of Select Committees.
7. Third reading of bills.
8. Bills, other matters, and unfinished business before the Senate.
9. General orders of the day.

STANDING RULES.

1. The President shall take the chair at the hour to which the Senate is adjourned, and call the members to order; and if a quorum be present, he shall direct the journals of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Senate.

2. One-fourth of the members may have a call of the Senate, and absent members sent for.

3. When the vote is taken *viva voce*, questions shall be distinctly put in this form, viz: "As many as are of the opinion that (as the question may be) say 'aye.'" And after the affirmative voice is expressed, "as many as are of the contrary opinion, say 'no.'" If the President doubt, or a division be called for, the Senate shall divide —those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4. All motions (except to adjourn, postpone or commit) shall be reduced to writing, if required by any member of the Senate. Any motion may be withdrawn by the mover before it is amended by the Senate.

5. Every member present when a question is put, shall vote, unless he shall, for special cause, be excused by a vote of the Senate; but no member shall vote on any question in the event of which he is directly and personally interested, or in any case where he was not present when his name was called in the taking of the vote.

6. When a member is about to speak in debate, or deliver any matter to the Senate, he shall rise from his seat, and respectfully address himself to Mr. President, and shall confine himself to the question under debate, avoid personalities, and the imputation of improper motives.

7. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are named; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

8. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question.

9. A motion to adjourn, to lay on the table, and for the previous question, shall be decided without debate; and all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided—whether an appeal or otherwise—without debate.

10. Any member may call for a division of a question, which shall be divided, if it comprehends propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the Senate. A motion to strike out and insert, shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendments nor a motion to strike out and insert.

11. Every bill shall be introduced on the report of a committee, or by leave. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without a suspension of this rule.

12. The first reading of a bill shall be for information, and if objections be made to it, the question shall be: "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

13. Upon the second reading of a bill or resolution, the President shall state it as ready for amendment, commitment or engrossment, and, if committed, then the question shall be, whether to a select or standing committee, or a committee of the whole. If to a committee of the whole, the Senate shall determine on what day. But if the bill be ordered to be engrossed, it shall be in order for its third reading at any time after that day. No bill or resolution

requiring the concurrence of both houses shall be committed or amended until it shall have been twice read.

14. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. After a third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present; and the vote on its final passage shall be immediately taken without debate.

15. A bill or resolution may be committed at any time previous to its third reading.

16. In filling blanks, the largest sum and longest time shall be first put.

17. When a motion or question has been decided in the affirmative or negative, any member having voted with the majority, may move a reconsideration the same or on the next business day.

18. Before acting on executive business, the Senate Chamber shall be cleared, by direction of the President, of all persons except members, the Secretary and Sergeant-at-Arms; the members enjoined to observe secrecy, and the Secretary and Sergeant-at-Arms to be sworn.

19. No standing rule or order of the Senate shall be rescinded or suspended, unless by a vote of two-thirds of the members present, except any order fixing the hour to which the Senate shall stand adjourned.

20. The rules of parliamentary practice comprised in Cushing's Manual, shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules or orders of the Senate, and the joint rules of the Senate and House of Representatives.

21. The Senate shall, at its pleasure, elect a President *pro tem.*, who shall hold his office during the remaining portion of the time for which the President was elected; and when the President shall for any cause, be absent, the President *pro tem.* shall preside, except when the chair is filled by appointment by the President.

22. On the return of a bill from the House, with an amendment, it shall be placed with the third reading of bills, unless the Senate shall otherwise order. On the question of adopting the amendment, the vote shall be taken as on the final passage of a bill; and if the amendment be adopted by a constitutional majority, no further vote is necessary.

23. It is in order for the committees upon engrossed and enrolled bills, to report at any time when no question is before the Senate.

24. When any order of the day is not proceeded with on the day assigned, it shall stand as a general order on each succeeding day until disposed of, unless otherwise ordered, but its considera-

tion cannot be moved until that order of business is reached, when it shall be taken up in the order of its file.

25. When the pending question is interrupted by "a Special Order," it shall, upon the disposal of the special order, be before the Senate in the same stage, as if it had not been so interrupted.

On motion of Mr. Udell, the report of the committee was adopted, and 500 copies ordered printed.

On motion of Mr. Woolson, Senate proceeded to join the House in joint convention to canvass the vote for Governor and Lieutenant-Governor.

THE SENATE AND HOUSE OF REPRESENTATIVES IN JOINT CONVENTION.

JANUARY 13TH, 1864.

The Chair announced that the Convention had met to canvass the votes for Governor and Lieutenant-Governor of the State of Iowa, and declare the result.

After calling the roll, the Speaker proceeded to announce the votes of the several counties in the State for the office of Governor and Lieutenant-Governor, pending which Mr. Moir, of Hardin county, moved a recess until two o'clock. Carried.

Two o'clock, P. M.

The members of the House and Senate again met in Joint Convention, when the canvass was concluded with the following result:

FOR GOVERNOR.

The whole number of votes cast.....	142,314
Of which William M. Stone received.....	86,107
James M. Tuttle received.....	56,132
Scattering.....	75

FOR LIEUTENANT-GOVERNOR.

Whole number of votes cast.....	141,605
Of which Enoch W. Eastman received.....	87,285
John F. Duncombe received.....	54,304
Scattering.....	16

Whereupon the President announced William M. Stone duly elected Governor of the State of Iowa for the term of two years, and that Enoch W. Eastman is duly elected Lieutenant-Governor of the State of Iowa for the term of two years, they having a majority of all the votes cast at the election in October last, and certificates of their election were read and signed as follows:

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, January 13th, 1864. }

This will certify that upon a canvass in Joint Convention of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October election, A. D. 1863, for the office of Governor of the State of Iowa, it appeared that William M. Stone received a majority of all the votes cast at said election for said office, and thereupon was declared duly elected to said office for the term of two years, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention this 13th day of January, 1864.

JOHN R. NEEDHAM,
Lieutenant-Governor and President of the Senate.

JACOB BUTLER,
Speaker of the House of Representatives.

ATTEST:

JOHN G. FOOTE,
Teller for the Senate.

S. G. MAGILL,
Teller for the House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, January 13th, 1864. }

This is to certify that upon a canvass of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October election, A. D. 1863, for the office of Lieutenant-Governor of the State of Iowa, it appeared that Enoch W. Eastman received a majority of all the votes cast at the said election for said office, and was therefore declared duly elected to said office for the term of two years, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention this 13th day of January, 1864.

JOHN R. NEEDHAM,
Lieutenant-Governor and President of the Senate.

JACOB BUTLER,
Speaker of the House of Representatives.

ATTEST:

JOHN G. FOOTE,
Teller for the Senate.
S. G. MAGILL,

Teller for the House of Representatives.

Mr. Baylies offered the following resolution, which was adopted :

Resolved, That a Committee of two on the part of the Senate and three on the part of the House be appointed to inform the Hon. William M. Stone of his election to the office of Governor of the State of Iowa, and Hon. Enoch W. Eastman of his election to the office of Lieutenant-Governor of the State of Iowa, and to report to the Convention when it will be their pleasure to be inaugurated.

The President appointed Messrs. Saunders and Crookham on the part of the Senate, and Messrs. Baylies, Hildreth and Merriam on the part of the House.

On motion of Mr. Hogin, the Joint Convention adjourned *sine die*.

FOUR o'CLOCK, P. M.

Senate having returned to its Chamber, was called to order by the President.

Senator Henderson, of the 34th Senatorial District, appeared and was duly sworn.

Senator McJunkin offered the following resolution, which was adopted:

Resolved, That the use of this Hall be given to the State Agricultural Society for general discussion of matters relating to Agriculture, on this evening.

On motion of Senator Stubbs, the Senate adjourned until tomorrow morning at ten o'clock.

SENATE CHAMBER,
Des Moines JANUARY 14th, 1864. }

The Senate convened at 10 o'clock, A. M.

Prayer by Rev. J. A. Nash.

Journal of yesterday read and approved.

Senator Udell offered the following resolution which was adopted:

Resolved, That the Secretary of the Senate procure one copy of Webster's Unabridged Dictionary, (latest edition,) to be placed upon the table for the use of the members.

Senator McCrary of Lee, introduced Senate file No. 5: A Bill for "An Act to amend Sec. 7 Chapter 17th of Regular Session of the Ninth General Assembly.

Senator McCrary of Lee, moved the suspension of the eleventh rule.

Senator Gray moved to lay the bill upon the table and upon this question the yeas and nays being demanded,

The yeas were, Senators Bassett, Burdick, Foote, Gray, Ross, Stubbs, and Woolson—7.

The nays were, Senators Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Flauth, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillen, Merrill, Patterson, Parvin, Saunders, Shippen and Wharton—29.

Absent and not voting were Senators Dixon, Henderson, Hesser, Knoll, Jennings, Roberts, Udell and Young.

Motion to table was lost.

Senator Woolson moved to refer the bill to a Select Committee of three with Senator Gray as Chairman.

The motion was lost.

Senator Woolson moved the following amendment, which was also lost.

SEC. 3. The Treasurers of the several Counties of this State shall receive at par, in payment of Taxes, the notes of all National Banks while such Banks redeem their notes according to law.

The question recurring on the suspension of the eleventh rule, the yeas and nays were demanded.

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Saunders, Stubbs, Shippen and Wharton—32.

The nays were, Senators Burdick, Foote, Gray, Ross, Udell and Woolson—6.

Absent and not voting, Senators Dixon, Henderson, Hesser, Jennings, Knoll, Roberts and Young.

The rule was suspended and the Bill read a third time. The question being shall the Bill pass?

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Saunders, Stubbs, Shippen and Wharton—32.

The nays were, Senators Burdick, Foote, Gray, Ross, Udell and Woolson—6.

Absent and not voting were, Senators Dixon, Henderson, Hesser, Jennings, Knoll, Roberts and Young.

The Bill passed and its title was agreed to.

Senator Boardman introduced Senate File No. 6: A Bill for "An Act to amend Chapter 115 of the Code of 1860, and to reduce the expenses of Grand Juries. The bill was read first and second times, and on motion of Senator Boardman was laid upon the table and ordered printed.

Senator Parvin introduced Senate File No. 7: A Bill for "An Act to Change the time of holding County Courts in April and August. Bill was read first and second times and on motion was laid upon the table.

Senator Woolson introduced Senate File No. 8: A Joint Resolution to preserve printed Bills. Bill read first and second time and on motion of Senator McCrary of Lee, was laid upon the table.

Senator Woolson introduced Senate File No. 9: A Bill for An Act to amend Chapter 53 of Revision of 1860, entitled "Of Corporations other than of pecuniary profit." Read first and second time and on motion of Senator Woolson was ordered to lay on table and be printed.

Senator Woolson introduced Senate File No. 10: A Bill for an Act in relation to the salaries of certain officers and to provide for contingent expenses. Bill read first and second time and on motion of Senator Woolson was laid upon the table and ordered printed.

Senator Patterson introduced Senate File No. 11: Bill for An Act to amend Section 2193 of the Revision of 1860, relating to Bounties on Scalps. Bill read first and second time and on motion of Senator Burdick laid upon the table.

Senator Crookham introduced Senate File No. 12: A Bill for An Act to amend Section 4726 of Chap. 207 of the Revision of 1860, entitled "Time of Trial." Bill read first and second time and on motion of Senator Young was referred to the Judiciary Committee.

Also Senate File No. 13: A Bill for An Act to repeal an Act passed February 5, 1857, "To prevent free citizens from enjoying their liberty." The Bill was read first and second time and on motion of Senator Udell was referred to Judiciary Committee.

Senator Saunders offered the following resolution which was adopted:

Resolved, That the Secretary and Assistant Secretary have the privilege of franking their letters, and that five Daily newspapers, or their equivalent in Weeklies, together with a necessary amount of stamped envelopes for their transmission, be allowed said officers.

Senator Stubbs offered the following concurrent resolution :

Resolved by the Senate the House concurring, That the Senate will meet the House in Joint Convention on Monday 18th instant, at 2 o'clock, P. M., for the purpose of electing a United States Senator, State Printer, State Binder, and Warden of Iowa State Penitentiary.

Senator McCrary of Lee, moved to amend by striking out "Monday the 18th instant, at 2 o'clock, P. M., and inserting "Saturday the 16th instant, at 11 o'clock, A. M." The amendment was adopted.

The resolution as amended was then adopted.

The President presented the following communications from his Excellency the Governor, which were read by the Secretary:

Gentlemen of the Senate and House of Representatives :—I have the honor to communicate a statement of expenditures of the appropriation for extraordinary expenses of the Executive Office, and for Sanitary purposes—since date of my last report, March 24, 1862 :

Balance of appropriation of Extra Session of 1861 on hand, March 24, 1861,.....	\$ 3,797.93
Appropriated Regular Session 1862,.....	10,000.00
Appropriated Extra Session 1862, and placed under my control,	10,000.00
Appropriated same Session, and placed under control of Census Board,.....	20,000.00
Amount returned by Dr. Orr, of \$1,000 placed in his hands to aid our soldiers in Gen. Curtis' Army,.....	305.83
Donated by the Amana Society of Iowa county, Iowa, for Sanitary purposes,	2,000.00

Total of fund,.....\$46,103.76
C.R.

By vouchers from 1 to 232, inclusive filed with Secretary of State, with list of same,.....	\$26,323.63
Amount in Treasury undrawn,.....	20,000.00

Expended more than drawn,..... 219.87

The vouchers are quite numerous and their preservation and safe-keeping are important as furnishing the means of settlement with parties who may have claims against, or settlement to make with the State.

I have, therefore, deposited them with the Secretary of State, where they will be safe and at the pleasure of either House.

I transmit herewith the written report of J. C. Todd, Agent for the State at Keokuk. The State has had an Agent at Memphis, Joshua Diall, from whom I have not had a written report.

The only permanent Agents in the field have been Mrs. Annie Wittenmyer, appointed by law, and Dr. A. S. Maxwell, appointed by me. Rev. A. J. Kynett has acted as an Agent mainly within the State, but at times in the field.

These Agents have all done their duty faithfully and have done much to aid our soldiers. There are unsettled accounts with all of them, except Mr. Kynett, that can be settled by my successor, and any balances due them or any of them, paid out of the unexpended balance of the appropriation for extraordinary expenses.

Of the moneys reported as expended by me over \$2,000 were expended to meet the emergency caused by the Indian outbreak in 1862. There was not any other available fund from which the money could be had, and the necessity was imperative. I should have endeavored to have had this money restored to the fund, but found it sufficient without so doing.

SAMUEL J. KIRKWOOD.

U. S. GENERAL HOSPITAL, }
KEOKUK, JANUARY 1st, 1864. }

To His Excellency, Samuel J. Kirkwood, Governor of Iowa:—

SIR:—I have the honor to submit a report of my operations as State Agent of Iowa:

On the 30th October, 1862, I was selected and appointed by your Excellency to discharge this important and delicate trust, and proceeded to Keokuk where the Government had organized U. S. General Hospitals, where, by your direction, I opened an office and entered at once upon the discharge of my duties.

Upon investigation I found that there were many soldiers in these Hospitals who were without their Descriptive Rolls, and therefore their final statements could not be made, without which they could not be discharged from the service. This arose from the fact that when they left their Regiments their officers were unable to make out these Rolls—while it had been neglected by others.

The wounded are often taken from the battle-field, sent to a hospital, then removed to another, so that the officers have lost sight of them entirely until a demand is made upon them for the rolls of the absent men.

The Descriptive Roll is the soldiers' Chart, his protection and shield, for he can neither be discharged, should that be necessary, draw his pay, nor obtain clothing without it. I therefore exerted myself to procure rolls for all those who were found without them, by writing to their Company officers, who in a great many cases forwarded them.

Such, therefore, as were found by the Surgeon in charge unfit for the service were discharged, but when papers had to be forwarded to St. Louis, where they were paid, and they could not return to their homes until their pay would be forwarded to them. This would require time, often a month's delay, before they would receive any return. Without money they could not return home and were compelled to endure long days of anxious delay.

Before your Excellency ordered me to this point, the Surgeon in charge, M. K. Taylor, of these Hospitals, had intimated to you that owing to these delays and the necessity on the part of many to return immediately to their homes, they had suffered heavy discounts from their pay by certain brokers, shavers and sharks, ever ready and ever greedy to take the hard earned pittance from the soldiers who had left their homes and families, suffered all and sacrificed all for the good of their country, to secure protection and safety in property and person those very men who with a heartless guard would reduce the slender pay of the sick soldiers to enrich their own coffers. These transactions which took place before my arrival here are in proof, and I have in my possession affidavits of the fact. Since my arrival here no such heartless transactions have occurred, as having been provided by your Excellency with the

sum of five hundred dollars, I was enabled to send those home whose condition required it and who would suffer by delay. What was paid to them was deducted from their pay when it was collected from Government without any interest, so that the State suffered only the small amount of interest for the use of the money.

Since my arrival here the Iowa sick and wounded soldiers have found admission into various Hospitals south of this, as for instance into the hospitals at Quincy, St. Louis, Cairo, Mound City and Paducah. These Hospitals I have visited at different times to enquire into their wants and observe their condition. From these Hospitals I have succeeded in transferring to the Hospitals at Keokuk at different times in all 650 all Iowa, beside many others from other States as Ohio, Illinois, Indiana, Wisconsin, Minnesota and Missouri.

In the month of December last, I visited Madison, Wisconsin, where I found 49 Iowa sick and wounded soldiers, 46 of whom I brought with me to the Hospitals at this place, the three remaining were too feeble to be removed, and I was compelled with much regret, to leave them behind.

Since entering upon the discharge of the duties of my appointment, I have collected for disabled soldiers who were from time to time discharged, the sum of \$50,337. In all cases it was promptly forwarded to them, after it was collected, by express without loss in any one case.

The above sum, I will remark, was for Iowa soldiers alone, but have also collected for soldiers of other States who were in these General Hospitals.

Since the establishment of U. S. General Hospitals in this city, there have been admitted from Iowa alone, say from April 20th, 1862, to January 1st, 1864, 3,811, (thirty-eight hundred and eleven) returned to duty within the time, 2,285.

Discharged from service,.....	551
Died,.....	189
Remaining in Hospital at this date,.....	786
	3,811

This shows the number admitted, number returned to duty, number discharged from service, the number who have died, and those still in Hospital from this State. The above report does not refer to those from other States, which would swell the above figures more than double.

The accompanying vouchers will be an exhibit of the manner of disbursement of the funds placed in my hands.

In conclusion, I feel myself constrained to say that I am indebted for very much of my efficiency and success to your Excellency, and to the aid derived from Adjutant General N. B. Baker.

The position is one of importance to the State, which is under a sacred obligation to extend its fraternal care to her sons who have

gone forth to battle for their country in the discharge of this duty. You, as the Executive, must have felt a melancholy pleasure and pride arising out of the acknowledged bravery, and undoubted valor on every battle field where Iowa soldiers took part, and there are very few contests West or South, in which they have not taken a glorious part. It is a position, too, of labor and care, because of the multiplied objects of solicitude, and the multiform nature of the cases which appeal for aid and assistance.

I have devoted my whole time to the work, because the position, if filled and sustained, demanded my whole energies and capacities, and whether I have succeeded in accomplishing all that was expected of me or not, certain it is I have certainly labored with all the faithfulness in my power, and with my utmost abilities to promote the best interest of the sick and wounded of our State.

I am most, respectfully, your obedient servant,
JAS. C. TODD,
Iowa State Agent.

J. C. Todd in account with the State of Iowa.

	Dr.
Nov. 11, To cash paid J. A. Duncan's bill for books,....	\$ 5 50
Dec. 5, To cash for stamps,.....	3 00
Dec. 10, To cash paid Gate City, printing blanks,.....	10 50
1862.	
Jan. 20, To cash, traveling expenses to Quincy,.....	8 75
Feb. 12, To cash, telegraphing to St. Louis, at the request of Gen. Baker, about sick and wounded, .2 10	
Feb. 12, To cash, answer sent to Gen. Baker,.....	1 75—3 85
Feb. 12, To cash, paid for desk and table,.....	10 00
March 21, To cash, blank receipt book and blank pay re- ceipt,.....	14 10
Sept. 8, To cash, traveling expenses to St. Louis, Cairo, Mound City and Paducah, transferring Iowa sick and wounded,.....	53 00
Sept. 26, To cash, traveling expenses to St. Lous,.....	14 00
Nov. 16, To cash, traveling expenses to Quincy,.....	6 00
Dec. 19, To cash, traveling expenses to Milwaukee and and Madison, Wis., transferring fifty Iowa sick and wounded,.....	51 45
1863.	
Mar. 10, To cash paid for potatoes,.....	177.58
To cash advanced to Iowa soldiers on dis- charge papers not yet collected,.....	41.38
	<hr/>
	\$399.11
1862.	Cr.
Nov. 1, By cash received from the State of Iowa,....	\$500.00

1863.

Mar. 10, By cash to purchase potatoes for Iowa sick
and wounded in field, \$200.00

\$700.00

Balance due the State of Iowa in my hands this 1st of
January, 1864, \$300.89

J. C. TODD, Iowa State Agent.

MR. PRESIDENT:—I have transmitted to the House the original Report of the Adjutant General of the State, from January first, 1863, to January 11th, 1864, inclusive; the Report of the Warden of the Penitentiary; the Reports of the officers of the Insane Asylum; the Reports of the officers of the Deaf and Dumb Asylum; the Report of the Commissioner appointed to superintend the erection of the Blind Asylum; and the Report of the Curators of the State Historical Society.

These Reports are voluminous, and I could not procure copies for the use of the Senate. An arrangement can doubtless be made with the House, by which the Senate can be furnished with written or printed copies.

SAMUEL J. KIRKWOOD.

MR. PRESIDENT:—The Agent appointed to select the lands donated to the State for the endowment of a College, or Colleges, devoted to the teaching of branches of learning relating to Agriculture and the Mechanic Arts, has made the selections, and has nearly completed the necessary papers connected therewith.

The appropriation made to defray the necessary expenses, (one thousand dollars) has proved insufficient, and it will be necessary to appropriate the further sum of five hundred dollars, to re-imburse the Agent the moneys spent by him, and to pay him for his services.

SAMUEL J. KIRKWOOD.

The communication in relation to “Contingent Fund,” and that in relation to the Report of the Adjutant General and other officers, were, on motion of Senator Udell, laid upon the table.

The communication in regard to the endowment of Colleges, and asking an appropriation to re-imburse the Agent employed to locate the same, was, on motion of Senator Udell, referred to the Committee on Ways and Means.

On motion of Senator Udell, Senate adjourned until two o'clock,
P. M.

AFTERNOON SESSION.

Two o'clock, P. M.

Senate convened pursuant to adjournment.

A Committee from the House announced that the House was

ready to receive the Senate in Joint Convention, for the purpose of inaugurating the Governor and Lieutenant-Governor.

The Senate then proceeded to join the House in said Convention.

JOINT CONVENTION, January 14th, 1864.

The President called the Convention to order, when the following resolution was offered by Mr. Elliott:

Resolved, That the members of the Board of the State Agricultural Society be invited to attend the Inauguration ceremonies and to seats within this Hall, and that a committee of two, one from each House, be appointed by the President to communicate this invitation. Adopted.

The chair appointed Mr. Henderson and Mr. Elliott as such committee.

Mr. Gue offered the following resolution, which was adopted:

Resolved, That the officers of Iowa Regiments now in this City be invited to seats in this Convention during the inauguration of Governor and Lieutenant Governor.

Mr. Hildreth offered the following resolution which was carried:

Resolved, That the Judges of the Supreme Court and the State officers be invited to take seats in the Convention during the inauguration ceremonies.

Mr. Saunders, of Scott, moved that a committee of one from each House be appointed to wait upon the Governor and Lieutenant Governor elect, and inform them that the joint convention was ready to receive them. Carried.

The Chair appointed Messrs. Saunders and Gilchrist as such committee.

The committee performed the duty and reported the presence in the Hall of the Governor and Lieutenant Governor elect.

The Sergeant-at-arms announced the presence of the Governor and Lieutenant Governor, the Chief Justice and the Associate Justices of the Supreme Bench, the officers of the State, officers of the Army and Navy, who were respectfully seated.

After prayer by the Rev. J. M. Chamberlain, Chief Justice Wright proceeded to administer the oath of office to William M. Stone as Governor, and Lieutenant Enock W. Eastman as Lieutenant Governor of the State of Iowa, when his Excellency addressed the Joint Convention as follows:

Gentlemen of the Senate and House of Representatives:

Assuming the Executive office, at a momentous period in public affairs, I have taken the oath prescribed by the Constitution, under a full sense of the grave obligations imposed. Profoundly grateful for the confidence of a generous and patriotic people, and with humble reliance on Him who has guided us through many

trials, I shall endeavor to meet their just expectations, by an earnest and faithful discharge of the duties assigned me.

The duty of communicating to the General Assembly the condition of the State, as required by the Constitution, and recommending such measures as may be deemed expedient, for legislative action, more properly belongs to the out-going Executive, whose official connection with the affairs of government, for a term of years, has afforded him the benefit of that observation and experience, necessary to a proper understanding of the various measures demanded by the general welfare.

The recent message of my predecessor furnishes you the necessary information, concerning the condition and affairs of the State, during his official term; and is so specific in its recommendations that I need do but little more, on this occasion, than express my concurrence in the suggestions therein contained, and ask for them your favorable consideration.

Representing, as you do, the different portions of the State, and being conversant with their wants and interests, your aggregated information, and joint counsels, will enable you to perceive, and readily comprehend, every material subject which may demand your action. In our zeal to advance the public interests, however, we should bear in mind, that multiplicity of legislation, is neither wise nor expedient. Innovation is not always reform. And experience has abundantly demonstrated, that the utility of laws, to a great extent, depends upon their certainty; and that frequent changes, in established rules, are a source of great inconvenience, and productive of less good than mischief.

The subjects of finance and revenue, common schools, militia, currency, the practice of the courts, and county government, are of primary importance to the State, and should receive a liberal share of your attention. But the various laws now in force upon these subjects, have been so long in operation, and so thoroughly tested, that their defects, if any exist, will be readily perceived. I would recommend extreme caution in their consideration, and advise no change in any of them, unless demanded by obvious utility and sound experience.

From various sources, my attention has been earnestly invited to what, in the opinion of many, are cogent reasons for changing our present form of county government. The Supervisor system, created by act of the Eighth General Assembly, has failed to command that general satisfaction which its advocates predicted and desired. The objections urged against it are quite numerous, and, apparently, substantial in their character. Those who desire a change, express their preference for the Commissioner System, which has prevailed so long, and operated successfully, in many of the older States, and if, after due investigation, any change may be deemed advisable, I would recommend this System to your consideration, as being the most simple, and practical, of any that

could be adopted. I cannot assume the responsibility of recommending a change—for the reason, that my observation of the present System, has been much too limited to justify me in entertaining a satisfactory opinion as to the soundness of the objections urged against it, and I therefore commend the entire subject to your earnest and considerate attention.

Your attention is invited to the expediency of abolishing the Board of Education, created by Article 9, of the new Constitution. This Board, in the sessions already held, has accomplished much valuable labor, and to it are we mainly indebted for the framework of our present admirable system of Common Schools, which needs but little additional legislation, to render it sufficiently comprehensive to meet the demands of our educational interests for many years to come. It is now thought the period has arrived, when this Board is no longer required; and, that it can be abolished without detriment to the public service. The framers of the Constitution evidently contemplated, that after its labor, in maturing a permanent and satisfactory system of schools, should be completed, its utility, as a separate department, would terminate. In view of this contingency, the 15th Section of said Article, confers upon the General Assembly the power, after the year 1863, to abolish or re-organize the Board, and to provide for the educational interests of the State, in any other manner that to them shall seem best and proper. Should you concur in the expediency of this measure, it will become necessary to create the office of Superintendent of Public Instruction, in order that the important duties now devolving upon the Secretary of the Board, may be transferred to and performed by an appropriate officer.

I desire to invoke the earnest attention of the General Assembly, to the necessity of providing additional means for supporting the families of the deserving men who are absent, in the public service. Many of these men, in limited circumstances when they volunteered, have no means of supporting their families, except the scanty wages received from the Government; obviously inadequate, under the present high rates of living, to properly maintain a soldier, and meet the legitimate wants of his family.

I am aware that, at the Special Session of the General Assembly in 1861, an Act was passed empowering the Boards of Supervisors to appropriate money out of the County Treasuries, for the support of soldiers' families within their respective counties. But, I regret the necessity which compels me to say, that this highly commendable and patriotic enactment, has signally failed to accomplish the object intended. In counties where a majority of the Supervisors are friendly to the Union, and the prosecution of the war, this relief has been furnished to a liberal extent; but in many others, where that majority is with the opposite party, they have persistently refused to appropriate a single dollar to this humane and Christian purpose.

In considering the question, we should not confine ourselves to the theory adopted by some, that this is a mere county matter, and, therefore, not the appropriate subject of State action. From whatever county the man enters the service, he becomes a soldier of the State, fighting for one county as well as another, and has an equal claim upon the generosity and gratitude of all our people. In the absence of an adequate law, providing relief for these meritorious families out of the public revenue, these burthens, necessarily, fall upon a few liberal and patriotic individuals in each community. This is clearly wrong, and should not be permitted. None should be allowed to escape this imperative public and patriotic duty. Every individual in the State should be required to contribute, for this purpose, his full share, in proportion to the amount of his taxable property. I, therefore, earnestly recommend that a liberal appropriation be made for this purpose, out of the State revenue; to be disbursed through the agencies of the State Sanitary Commission, in such manner as you may deem it wise to direct. This Commission, recently organized and incorporated, has acquired a responsible character, and enjoys, as it should, a full degree of public confidence.

By such an Act, we shall seal, in perpetual memory, the gratitude so eminently due to exalted patriotism, and unrivaled valor.

The soldiers of Iowa need no eulogy now, to secure for their deeds the admiration of history. Their unselfish devotion to the cause of the country; their patient endurance of the untold hardships incident to service in a distant and strange climate; and the sturdy heroism they have illustrated on so many fields, have given to our young State a record of valor as imperishable as the bloody annals of the war; and aided, in securing for our common country, a fame co-extensive with the civilized world. On every battle-ground, from Wilson's Creek, where, amid the deadly hail of an unequal contest, they rallied 'round the heroic Lyon, and freely mingled their blood with his, to the gory mountain heights and passes in front of Chattanooga, and the now glorious field of Chickamauga, the Flag of Iowa has been borne by brave hands to triumphant victory. Where all have done so well, to particularize would be invidious; and I could not name all who are entitled to honorable mention for noble and valorous deeds, without calling the entire muster rolls of Regiments, Battalions, and Batteries. Impartial history will attest the significant fact, that no great battle has yet been lost, in which Iowa troops were engaged; and none gained, on western fields, in which they have not borne a conspicuous part. Among the first in the field, and ever to the front, their numberless graves are scattered from the plains of Texas to the banks of the Cumberland, and from the shores of Lake Michigan to the waters of the Gulf—sad, yet truthful witnesses of how bravely they fought and nobly died.

Fathers and sons, husbands, brothers and friends, sleep in those

narrow tenements, far from their beloved Iowa; but enshrined in the hearts of a grateful people, their memories, like the unfading laurel, will survive the dreary winters of coming time.

Contemplating the condition and affairs of our own State, let us not be unmindful that our common country is still involved in cruel and relentless war. The god of ambition is yet unappeased, and the demon of civil strife is making sad havoc in the land. The great struggle for the integrity of the Union and the preservation of the National Government, is yet to be decided. After a trial of nearly eighty years, embracing the most comprehensive experience, and affording ample proofs of its power, utility, and beneficence, the existence of this unrivaled Government is committed to a bloody conflict between its own citizens.

The constitutional right of a State, or any number of States, to withdraw from the Union, is no longer a practical question for discussion. If that right be conceded, the action of the Federal Government, in compelling obedience to its laws, is indefensible, and the war, on our part, clearly wrong. The determination of that question was preliminary to war, and to any effort by the Government to reduce the seceding States to submission.

In the absence of a constitutional right to dismember the Union, by secession, the attempt was treason and insurrection, which the President of the United States, under the solemn obligations of his oath, was as much bound to suppress, as he would have been to repeal an invasion of our soil by a foreign enemy. Existing laws, adopted in the early years of the Republic, clothed him with ample authority over the subject, and made his duty imperative. In promptly meeting the aggressions of treason, and placing the Government in a state of defence against this long projected, and wicked rebellion, he fulfilled the just demands of the Nation, and entitled himself to the lasting gratitude of mankind.

For nearly three years this deplorable war, inaugurated by the mad ambition, and treason, of Southern men, has progressed with its varied results. Though disasters have sometimes overtaken our advancing columns, the triumphs which have crowned their heroic efforts, in the glorious cause of the country, have far outweighed all the reverse they have sustained. We have penetrated the insurgent country from almost every point, by land and sea, and rescued from their grasp the most productive and populous States of the South. To-day the ancient Flag of the Union floats triumphantly over the soil of every rebel State, and waves from the battered walls of Sumter, back as far as the serpent of rebellion can be traced.

The rebel armies, defeated and demoralized, are being rapidly driven to a common centre: their currency worthless, and their credit gone; their pretended jurisdiction reduced to nearly one-third of its original limits, and a surplus population crowded within them to subsist upon their meagre harvests; impending death, or

exile, to the leaders, ruined fortunes and desolated homes to the unwilling masses—this is the end of treason, and the doom of traitors!

Supported, and elected by the loyal and patriotic people of Iowa, in a contest presenting the grave questions which here, as elsewhere through the loyal States, alone pervaded the public mind and determined the result of the recent elections, I but discharge a plain duty to them, when I express the convictions of my own mind, upon the portentous issues yet to be decided by the valor of our arms. While entertaining a profound respect for the opinions of all loyal men, in whatever locality they may be found, I am aware of no rule requiring deference to the opinions of their enemies, or of any obligation I am under to consult their views, or wishes, in the discharge of my official duties.

There is no longer any middle ground where loyal men can stand, and find refuge from the stern, and positive obligations of the hour. The times are fraught with mighty events, involving the welfare of the present and future generations, and impose the most solemn duties upon every patriot in the land. It is not the mere domination of a political party, nor territory, nor empire; but liberty, and the eternal principles of natural justice, born of God, and, under Him, established on this Continent by our fathers, which are staked upon the issue of the struggle.

It needs no words of mine to show that the vigorous and successful prosecution of this war is *life* to the Republic, while to hesitate for a single hour, upon any pretext whatever, or stop short of the unconditional recognition of Federal authority by all the revolted States, would be but a hollow truce, and *death* to our unity and Nationality.

Great and holy interests are involved in the contest. There is no longer any hope of their preservation by the ordinary modes of adjustment. They are therefore, to be saved or lost, by the arbitrament of battle. In the terrible ordeal through which we are passing, many old conditions are likely to be rejected, and some things which have been, may not be again; but the patriotic heart may find reason for its faith, that all such as are good and substantial will be retained and consecrated in the new life of the Nation. Let us hope that enemies in the disguise of friends, will never again occupy the high places of power; that the people's Treasury will not again be robbed by official hands, their arms, their arsenals and fortifications turned against their own Government; that the blighting curse of Human Slavery will no longer receive protection by the statutes of the land, nor exist in any form under the National Flag; and that traitors may never again sit in the Council Chambers of the Nation, nor plot their treason beneath the dome of its Capitol. Let us pray to a righteous God that such scenes may never stain the coming annals of the Republic, and if need

be, that the havoc of bloody, desolating war, may abate not until the day of regeneration shall come.

The events of the hour, grand and irresistible in their course, are rapidly hastening to their legitimate results. He who disposes while man struggles, and proposes, has pronounced His imperial decree.

Those who hesitate now to yield an unreserved support to the Federal Government, or fail to sustain its constituted authorities, unmistakably array themselves on the side of its enemies, and will be so recorded in the history of the times. If treason is crime, to sympathize with traitors is also clearly criminal. While there is treason in the heart, the man cannot be truly loyal, and we know not how soon his hesitating courage may nerve him to commit the overt act. The line of demarkation between loyalty and treason, is plainly defined, and exceedingly narrow.

Obvious as these considerations are to all discerning minds, it is a painful reflection, that there exists a faction, in the Northern States, which has persistently opposed the action of our Government in its efforts to subdue the Rebellion, and clamored for peace upon any terms. While professing to be loyal, the members of this faction have given strength and courage to traitors, and by their conduct proved themselves the most insidious, and dangerous foes of the Union. Recent events, however, have demonstrated the continued attachment of the patriotic masses of all parties, to the perpetuity of our free institutions; and shown that they cannot be deceived by mere pretences of loyalty, or misled by the cry of peace, when there is no honorable or permanent peace, short of vigorous and successful war.

Systematically opposing every measure yet devised, for a successful prosecution of the war, and having no mode of their own for an honorable solution of existing troubles, these malcontents seek to justify their course by creating a distinction between the Government and its Administration; confronting us with the novel doctrine that the Government is the Constitution and the institutions founded thereon, while the Administration is merely the agents chosen by the people, and responsible to them. Assuming to act upon this theory, they claim the right to oppose the latter, while pretending to support and maintain the former.

This dangerous paradox is a fit companion of the doctrine of "States Rights," which held the American Union to be only a league between sovereign States, dissolvable at their will; and that the citizen owed a paramount allegiance to his State, and only a subordinate one to the Federal Government. A doctrine which, although denounced by the stern old leaders of democracy, as destructive of the Union, yet succeeded in diffusing its subtle poison through the Southern mind, and, finally, culminated in the crime of treason.

It needs but a word of refutation. I do but adopt the idea of a

great writer, when I say, that our free, written Constitution is not government, but the warrant and representative of Government. It is not power, but the symbol of power, and will, in any emergency, prove altogether useless, unless the power for which it stands be forthcoming. Where does this power reside? Not in the Constitution, nor in any of the co-ordinate departments created by it; nor in the people, but in all combined. These constituent elements compose the Government, the powers of which are exercised through its constitutionally appointed agents, the legislative, executive and judicial departments. Without these, the powers defined in the Constitution could not be appropriately exercised; and without them, it is obvious, we should have no government. Therefore, to strike at any of these, is to injure the Government itself to the full extent of the blow.

The President of the United States, for the time being, is the Supreme Executive of the Nation, the chosen agent of the people, the pilot who guides the ship of State. The liberty of speech, and of the press, guarantied by the Constitution, is formidable only to the enemies of liberty, in its broader and more extended sense. The right to freely discuss the affairs of Government, and criticise the acts of its agents, is fundamental to liberty, and cannot safely be denied.

To all this I fully subscribe. But the right claimed by some, to oppose the execution of the laws, and, by factious opposition, to thwart the President in the discharge of his high duties, at so important a juncture, is subversive of all liberty, and a right which belongs to treason only.

Again, the War policy of the Government has been continuously denounced, as subversive of the rights of the South, and in violation of the Federal Constitution. It is reasonable to presume that these men have either forgotten, or never known, that Abraham Lincoln is not only President of the United States, charged with the execution of civil power, but also Commander-in-Chief of the Army and Navy of the Union, and thereby clothed with the war power of the Government. In the exercise of his civil functions, he is guided by the plain language of the Constitution, which defines the limits of his power, and beyond this he cannot go; but in the discharge of his duties as Commander-in-Chief, in time of war, he is governed only by the laws of war, as recognized among civilized nations, and such other restrictions as Congress and the people may impose. Deriving his authority by appointment of the Constitution, he is thereby vested with all the power which rightfully belongs to the Commander-in-Chief of any other army upon the face of the Globe. This extraordinary power, it must be understood, is called into exercise only from a state of war, and cannot be exerted in time of peace.

By his oath of office, the President is sworn "to the best of his ability, to *preserve, protect, and defend* the Constitution," and in

the discharge of this solemn obligation, he may rightfully exercise all the power inherent in the people, whose agent he is; and that he may do this, they have made him Commander-in-Chief of their army and navy, and the Constitution is the warrant of his appointment. To hold, that when called upon to "preserve, protect and defend the Constitution, to the best of his ability," he is restricted to the mere letter of his civil authority, is to deprive him of the very means of discharging that high duty, and make the Constitution, thereby, the weapon of its own destruction.

The Constitution is neither a war-making nor a war prosecuting document. It empowers Congress to declare, and the President to prosecute war, as the honor of the Nation and the exigencies of the case may demand. It undertakes neither to inform Congress when, or in what case war may be declared, nor the President the manner of carrying it on. Having made them judges of the situation, it leaves the details of war to their intelligent patriotism and sound discretion.

Wherein has the Constitution been violated, and whose rights have been subverted by the Federal Government? The loyal States have no reason to complain, and do not, for the people thereof having said, at the beginning, that the rebellion should be put down, become a party to the war; and after a long hearing, and full understanding of the case, they have returned a verdict, magnificent and overwhelming in its proportions, that the Administration was *not guilty* of the charges preferred against it. The people of the insurgent States have no right to complain; for, having renounced their allegiance to the Constitution, levied war against it, adopted a Constitution and government of their own, and claiming recognition as a separate and independent sovereignty, they have assumed the attitude of belligerents to the Federal Government, and thereby acknowledged themselves entitled only to belligerent rights. Every right which, as citizens of the United States, they possessed under the Constitution, has been voluntarily abandoned, and forfeited, by the rebellion. These rights can not, and should not be restored to them, until they shall lay down their arms, submit to the jurisdiction of the Federal Government, and obtain pardon for their treason. In every sense of the term, they are enemies to the Constitution, to our Republican Government, to liberty and humanity, having but a single constitutional right left, that of being dealt with according to the laws of the land, for the atrocious crime they have committed. No other people or nation, upon the face of the earth, could have committed so high a crime against this Government, and its flag. And now, while standing as the flagrant, deadly enemies of the Constitution, with their hands uplifted at the nation's throat, we are told that their Constitutional rights are unimpaired, and as substantial as when they were law-abiding and peaceful subjects of the Government. Thus we are asked to give immunity to crime, by exculpating the criminal.

As enemies and belligerents, to what rights are the insurgent States entitled ? The Constitution being entirely silent upon this subject, we must resort for information, to the laws of war, as established and recognized among the nations of the world. The eminent writers upon this subject agree in saying, that in war we may do any act not forbidden by humanity or the laws of nature, which may harass or weaken our enemy. We may confiscate his property of every kind, and appropriate it to our own use, for the double purpose of diminishing his strength and augmenting our own. We may capture and detain his soldiers, and take their lives if we can, in legitimate combat. All this we are allowed to do, because it is a right which belongs to every nation at war, is derived from and attaches to a state of war. These well established and fundamental principles, have been recognized by our Government in its intercourse with other nations, sustained by repeated decisions of the Federal Courts, and never denied or doubted, except during the present war, by certain northern politicians, who have throughout, manifested more interest in the rebellion than love for the Union of these States. And it is proper here to remark that the character of belligerents, has been given to the insurgent States by the legislative and executive departments of the Government ; that we have so treated them during the entire war, and that this action has been sustained by a late well considered opinion of the Supreme Court of the United States, in a case fully and fairly presented. This question may, therefore, be regarded as settled, so far as the action of this Government and of this people, can settle any question.

During the first months of this war, in common with what I believe to have been a decided majority of the people, both in and out of the army, I indulged the hope, and expressed the belief that it could be successfully terminated without a direct attack upon the local institutions of the south. The Government itself seems to have entertained the same view, for a remarkable tenderness characterized its dealings with traitors, and the war was prosecuted during the first year with eminent success, upon the theory of doing the rebellion as little damage as possible. Bitter experience and observation, however, finally convinced me as it did others, that slavery was not only "the corner stone of the Confederacy," but was the power which sustained, and the motive which impelled the rebellion. Every negro that worked with a hoe, or drove a mule on a southern plantation, was as much enlisted against the Union, as the soldier who served with his gun in the ranks of the rebel army ; and more effectively so because the grain upon which our enemy subsists, renders him more formidable than his shells or his bullets.

Slavery stood like a mountain before the advance of our armies, and could neither be avoided or defied. It enabled the insurgents to place their entire militia force in the field against us, and added

more than one-half to their available strength. While slavery existed, treason had power and object, and so long would the rebellion continue, and the war be protracted.

At the commencement of this rebellion, the four millions of slaves inhabiting the Southern States, were peaceful and loyal subjects of this Government ; owing allegiance to it, and amenable to its laws. And although they became the willing instruments of treason, yet their allegiance has not been and could not be dissolved. Upon this people, therefore, as its legitimate subjects, the Government had as high claims as it had upon the white population of the south. By State laws only, were they held as slaves, but this was in subordination to their status as subjects ; for, at any time the Government could have taken them from their masters, and punished them, like other men, for violation of its laws, and the fact that they were slaves would have been no defence. By no act or deed has the Federal Government ever relinquished its sovereign claim upon this class of its people ; and it could not have done so, with due regard to the peace and safety of the Union. No wise Government would permit a large and permanent population to reside within its limits, who are beyond its ultimate control. Whatever may be the character given them by mere local regulations, cannot affect the authority of the sovereign power over them. These people are not only denominated as *persons* by the Constitution, but they have been so treated by the Government, for all purposes, during its entire history. In all these respects, at least, the slaves were the equals of their masters ; they could perpetrate the same crimes, be tried therefor by the same tribunals, incarcerated in the same prisons, and hung upon the same scaffolds. And while their masters commit atrocious treason against the Government which shelters all, have not these oppressed subjects a right to fight for it, and shed their blood in defense of its flag ?

If by the offer of freedom we could induce these bond subjects to leave their treasonable masters, and return to their legitimate sovereign, whom they have never willingly offended, what principle of law or right would be thereby contravened ? Has not any established Government an absolute right to exercise this sovereign authority over its own subjects ? If it be alleged that this would be a violation of our faith with the Southern States, the conclusive answer is, that they had already violated theirs with us by attempting to dissolve the Union. We could as rightfully do this, as we could induce the soldiers in the rebel armies to leave their ranks and return to their allegiance, by the offer of a general pardon. And to deny that we can rightfully do either, is to hold that the individual claims of traitors, the rights and local regulations of insurgent States, are paramount to the sovereignty of the General Government.

The period at length arrived when, to insure success to our arms, and make the overthrow of the Rebellion a speedy and certain

event, an effectual blow at this formidable element of rebel power was imperatively demanded. Our authority over the subject was broad and ample, and the necessity for the step no longer doubtful. Why hesitate to terminate the war, and save the Union, by losing slavery? It became obvious, that amid the throes of this mighty revolution, one or the other must go down. The Union and Slavery cannot both be saved from the wreck, for the same power which rescues the one must inevitably crush the other. Which is the more valuable for preservation? After all its manifold crimes against liberty and humanity, against God and His holy laws, what claim has Slavery upon this Government for protection and perpetuity? To this reckoning had the nation come on the first day of January, 1863.

I thank Almighty God, that at this momentous juncture, we had a man at the helm of this Government, who fully realized the situation, and possessed the sublime courage to perform his duty, and place the seal of condemnation irrevocably, and forever, upon this convicted criminal of mankind. The deed is done; the righteous judgment has been pronounced, and from his honest heart the author tells us, "it cannot be retracted." No earthly power can send back to slavery these millions of freedmen; for between them and such power stand more than twenty millions of other men, to defend the broad seal which that proclamation bears.

In its diminished and attenuated form, slavery still lingers; but it is robed in the habiliments of the grave, waiting only for the rites of sepulture. How these shall be performed the world may not care; for over its accursed remains the star of freedom shall forever shine, and the loud hosannas of an emancipated race be sung through all succeeding ages.

The victim of a morbid and treasonable ambition, slavery, has been murdered in the house of its friends. Upon them, not us, the responsibility of its death must forever rest. The Union as it was, the people of the North were willing to maintain and abide by; but, as the South have determined otherwise, it is our duty now, to insist upon the Union as it should be, and as our fathers intended it.

My ardent wish is, that this desolating war may speedily close, and the insurgent States resume their political rights in the Union.

That we may properly understand the theory of reconstruction, it is important to avoid a misapplication of the term. The rebellion having failed of success, the Union is not dissolved; and, therefore, the disorganized States, only, require to be re-constructed. Had they succeeded in achieving their separation, the Union, to that extent, would have been dissolved, and the question of reconstruction have presented a different aspect.

Having, by treason to the General Government, and the inevitable consequences of civil war, accomplished the destruction of their local organizations, and not their disseverance from the

Union, they stand in the attitude of States, with their government subverted and overthrown. Re-organization, therefore, becomes an indispensable pre-requisite to the resumption of their powers, and privileges, as sovereign States in the Union. Without this, they have no appropriate medium through which their constitutional rights can be secured or exercised. They cannot choose Senators, or Representatives to Congress, participate in the election of a President, or enjoy any other regulation designed for the common benefit of the States. And it is only by means of State Governments, that they can perform the functions of States, and discharge the various obligations and duties they owe to the General Government. Until then, the people of these disorganized States must, from necessity, depend for protection upon the General Government, under the arm of its military power. But this theory by no means implies that these States must be reduced to a territorial condition, maintained, during their territorial minorage, under a Government provided for them, at the expense of the National Treasury, and be re-admitted into the Union as States. It simply means, what is obviously true, that they have State limits, territory and people, without the essential machinery of State Governments, which are the tests and means of their political existence.

Government represents, not merely land and certain defined territorial limits, but the people who establish it, and who speak and act through it, as their political organ. These people, in consequence of their treason, having disqualified themselves for the exercise of political rights, and privileges, their State Governments have thereby become suspended, and must remain in abeyance, until this disqualification is removed by act of Federal authority.

Reduced to this condition, the provisional control over these States, until fully reorganized, and restored, is vested in the Federal Government; but when restored, it must be under governments which have emanated from their own people, under Constitutional restrictions. I recognize the right of every State to regulate and shape its own institutions, but this right can and should be exercised, only, in clear conformity with the letter and spirit of the Federal Constitution.

The Constitution prescribes, that "The United States shall guaranty to every State in this Union, a republican form of Government." This provision clearly implies an obligation, on the part of the United States, not only to guarantee this form of government "to every State," but the guaranty is to all the States, that the government of each State *shall* be republican in form, whether the people thereof will it or not. This is the plain spirit, and intent, of the compact; otherwise, the right already adverted to, that each State may regulate its own institutions, would become a source of imminent peril to the Union. Without this salutary check upon the action of States, we might soon have a cluster of anti-republi-

can governments, springing up within the limits of the Union, to accomplish its retrogression and ultimate overthrow.

The events of the last few years, having fully demonstrated the irrepressible antagonism of slavery, to our Republican institutions, and left the question no longer to abstract discussion, or interpretation; our manifest duty, under the constitution, is, while the authority is rightfully in our hands, to see that no new or remodeled Government is received, which presents this obviously anti-republican feature.

Under proper auspices, and a just regard for mutual rights, the process of reconstruction may keep pace with the advance of our arms. With suitable assistance the people of the insurgent States may be restored to their legitimate rights in the Union, as rapidly as the hostile power is expelled from their borders. To effect this consummation, some rule should be prescribed, plain and just in itself, compatible with the dignity of the Government, and the perpetuity of the Union. Emerging from the calamities of this conflict, let us secure an honorable and permanent peace, and seal forever the terrific fountains of civil war. By doing less than this, we would prove faithless to the sacred trust committed to our care, embitter the heritage of posterity, and commit a monstrous crime.

No true patriot, no sincere wisher of a restored and honored Union, could desire the wicked and infamous leaders of this rebellion reinstated in their places under this Government, where, by a repetition of their gigantic frauds, and intrigues, they might again attempt, what they have so signally failed to accomplish by the gage of battle. Every motive of self-preservation and the sternest dictates of patriotic duty, demand of us to guard well this vital point. Let us expunge forever these infamous names from the roll of the Union. Let us appeal directly to the less criminal offenders and the more tractable masses. To none others would it be safe or expedient to extend the boon of amnesty or enfranchisement, and not to these even, except upon the just and easy terms of being purged of their treason and plighting anew their faith to the Union.

Any effort at restoration, to be substantial and productive of satisfactory results, should be inaugurated upon a theory which will inspire mutual confidence between the parties, and constitute a basis sufficiently comprehensive to embrace all who, by a recantation of their disloyalty, may qualify themselves for and become entitled to its benefits. The initial point is obviously the most vital, and difficult; for if we start with a wrong reckoning, our future course will be one of constant embarrassments, and fail of ultimate success.

Profoundly impressed with these convictions, and firmly believing that no more feasible mode has yet been devised for securing a speedy and honorable adjustment of our disordered Union, I am prepared to fully endorse the late eminently plain and sensible

proclamation of President Lincoln, and until withdrawn, or superseded by some more authoritative act, shall yield to it my earnest and unequivocal support.

I can see, in this Proclamation, much to admire and nothing to condemn. If it be objected that one-tenth, being the number of persons therein designated as the basis of reorganization, be too small, the appropriate answer is, that it bears a fair proportion to those who, for the last half century, have controlled the politics and usurped the destinies of the South; and will exceed, in each State, the number of those who kindled the fires of this rebellion, and whose treason created the condition of things of which this restored tenth have become the sad and unwilling victims. It is but the beginning of a great consummation, and forms a nucleus, around which the returning loyalty of the South may, daily, and rapidly gather, as they comply with the just and easy terms of the Proclamation.

The Proclamation prescribes only the minimum number necessary to constitute the basis of reorganization, excluding only the more criminal actors, and those who persist in adhering to their treason.

Amnesty is a boon, not a right, and, as criminals before the law, they are in no situation to dictate its terms, but must submit to those which the Government, in the exercise of its clemency, may deem it wise to grant.

If this mode of adjustment engenders revolution in the political relations of the South, it will be a revolution of right against wrong, and of which the oppressed and injured masses will derive the benefits.

By steadily adhering to these principles, as I trust we shall, we may succeed, after much wandering, and great tribulation, in bringing this Government back to its ancient and safer land-marks of universal freedom, and perpetual unity.

I cannot close this communication, and forego the opportunity presented, to congratulate the General Assembly, and the people, upon the auspicious condition of the State. A kind Providence has blessed us with adequate harvests, and a full measure of prosperity in all our undertakings. By His mercy we have been enabled to pass through the trying scenes, now drawing to a close, with honor and success. All efforts, by bad and reckless men, to obstruct the execution of the laws and disturb our domestic peace, have been promptly thwarted. Our obligations to the National Government have been faithfully performed; and our people, whether at home or in the field, have nobly vindicated their devotion to the Union. The financial affairs of the State were never in a sounder condition. Notwithstanding the extraordinary expenditures, rendered unavoidable by military operations, the revenue on hand, and due from the several sources, exceeds, by many thousand dollars the total indebtedness of the State. Without hazard to our

credit, we may challenge comparison with any other State in the Union. For this, much credit is due, and should be awarded, to the out-going Executive, who has administered the affairs of the State with marked economy, and discharged his onerous and complicated duties, with an ability and patriotism deserving of the highest commendation.

Entertaining implicit confidence in your intelligent and patriotic regard for the public interests, and conscious of no motive, on my own part, inconsistent with their advancement, I shall indulge in the hope that our mutual counsels and joint labors, may be productive of good to the commonwealth.

With humble faith that God will continue to bless our young State, and His own good time deliver our common country from the calamities of cruel war, let us enter upon the discharge of our respective duties.

W. M. STONE.

After the benediction by the Rev. J. M. Chamberlain, the joint convention adjourned *sine die*.

FOUR O'CLOCK, P. M.

Senate having returned to its chamber was called to order by the President, and on motion adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER,
Des Moines, JANUARY 15, 1864.

Senate convened at 10 o'clock, A. M.

Prayer by Rev. J. A. Nash.

The Journal of yesterday was read and approved.

Lieut.-Governor Needham, on retiring from the chair, addressed the Senate as follows :

SENATORS : The time has arrived when it becomes my privilege to vacate this chair, and introduce to you my worthy successor. In doing so, I desire to express my grateful acknowledgments for your generous support and confidence. Our associations have been uniformly pleasant. Nothing has occurred to mar good feeling or embarrass friendly intercourse with each other.

When entering upon the discharge of my duties as President of the Senate, I felt the embarrassment common to the inexperienced. I then asked for your co-operation and sympathy—it has been generously and continually given. The duties of the chair have been made light by your forbearance and courtesy.

I have endeavored to faithfully and impartially discharge the

duties pertaining to this office, and am not conscious of having designedly wronged any one. For errors of judgment, which may have been committed, I ask your forbearance.

To the Senators holding over from the Ninth General Assembly, I especially tender my grateful thanks. The many acts of personal kindness extended to me will ever be held in grateful remembrance. I part from you, gentlemen, with the most earnest desire and prayer that your lives may be happy and useful, and that your official acts may prove a lasting blessing to your constituents. Several of your colleagues have gone from this Chamber to the rescue of our country's glorious flag —they are manfully facing the dangers incident to a terrible conflict for the right—their constituents will bless them, and while Iowa has a history their names will be inscribed on its brightest pages. All honor to the brave "Iowa boys."

One of your number has been called to his final reward. He was an honest man, a wise legislator, and a true patriot! Never shall I forget to cherish the memory of the pure minded and much esteemed Senator from Ringgold.

I trust, gentlemen, that you will extend to my honored successor, the same support and confidence that has been given to me. With your co-operation, his superior ability will enable him to ably fill the position.

Hoping that the time is near when peace shall be restored to our land, and wishing for you great personal happiness and prosperity, I now take my leave, and present to you, as President of the Senate, Hon. E. W. EASTMAN, Lieutenant Governor of Iowa.

Lieutenant Governor Eastman, on taking his seat, said :

SENATORS :—Having been duly elected and taken the oath of office of Lieutenant Governor of this State, I am now ready to enter upon the discharge of the duties of the office, the first of which is to preside over your deliberations during the present session of the General Assembly, which I am desirous of doing in a manner satisfactory to you and honorable to myself.

But first of all you must permit me to embrace this occasion to express my gratitude to the people of Iowa for the honor conferred upon me by this election, and particularly to the people in the army for their almost unanimous support.

Order and decorum are indispensable to the dispatch of business, but being as they are exclusively the product of good breeding, I anticipate a very pleasant session.

In your deliberations there naturally will be an honest difference of opinion upon many important questions which will legitimately come before you. I trust your discussion will be tempered with moderation and a due respect for the opinions of your peers, as well as with wisdom.

Senators, we are living in perilous times. Every day brings new responsibilities upon us. Treason is to-day in arms against

our blessed Government. It exists, too, in the hearts of many persons whose homes are in the loyal States, and who have not, as they long ago should have been, banished from the country. I most devoutly hope and trust it has not and *will not* cross the threshhold of this Legislative hall. I really hope there is not a heart in the breast of any member of this honorable body, which does not beat with devotion to an inseparable Union. If, unfortunately, such an one is here, my heart's desire and prayer to God is, that his tongue may be paralyzed and cleave to the roof of his mouth whenever it attempts to utter the intent of the heart. For the honor of the State, I do hope that the patriotic men of Iowa who have taken their lives in their hands and gone to the tented field, will not receive a shot in the rear from any member of this honorable Senate.

Much has been said of the sacred right of speech. It is claimed by some that the right can in no case be abridged. This claim is seldom put forth by any except those who use it for a shield to invade the rights of others, and to propagate treason. Under this claim nearly every traitor member has stood up in Congress and defiantly fulminated treason against our Government. The States of Illinois and Indiana and some others have been disgraced by like proceedings in their Legislatures, to the great mortification of the soldiers in the army from those States.

I do not believe in any such right. The right of speech, like all other rights, can never be legitimately used to infringe upon the sacred rights of persons by slander or libel. And the exercise of it to that extent is not only a licentious use, but a *crime* which the common law punishes by indictment, fine and imprisonment. The character and existence of the Government are paramount to the life of a person, and every one goes *beyond* the bounds of loyalty who *talks* the Government into disrepute with the people. Sedition and Treason are first propagated and then consummated by a licentious exercise of speech.

I hold that no man has the legal, moral or political right to *begin* to do, or even to *advocate* that which the law will punish him for consummating.

Believing, therefore, as I do, that the ax should be laid at the root of the tree, I will hold it *unparliamentary* for any one to talk treason, or advocate the cause of secession or any dismemberment of our Union, or in any way give aid and comfort to the rebellion by pleading the cause of the traitors, or denouncing or disparaging the Government in this Senate while I preside over it. The right of speech in a Legislative Assembly does not extend beyond the bounds of loyalty.

But, Senators, I hope better things of you, though I thus speak. Within the limits of *loyalty* it will be my desire to give a liberal construction to all parliamentary rules in favor of free discussion. I confess to have been elected by a *party*—by a party which is loyal

to this Union, and fights against and ultimately will crush out this rebellion. To that party I intend to be true. Beyond that I desire to know no distinction of persons in the discharge of my duties.

There is much to be done during this session. While it is desirable that the business of the session shall be done with dispatch, it is of greater importance that nothing shall be done without mature deliberation.

May wisdom and patriotism crown all your labors ; and may Israel's God watch over you and keep you from sickness and death, and at the close of your labors restore you safely to your friends and homes.

Mr. Gray offered the following resolution :

Resolved, That in our retiring President, Ex-Lieut. Governor John R. Needham, Senators recognize all the qualities of the most accomplished presiding officer—evidenced by the fact that during his whole official term no decision made by him has been reversed. Ever prompt in action, courteous in manners, firm in his decisions, able in his exposition of points presented, always impartial—he has proved himself not only a profound statesman, but a true Christian gentleman.

Resolved, That the deepest and most heartfelt thanks of the Senate are gratefully tendered to him for his every act as President of the Senate ; he may be assured that Senators who have enjoyed his association will never cease to remember him with the most sincere respect and love.

Mr. Jennings then made the following remarks :

MR. PRESIDENT :—In rising to second the resolution just read, I will not withhold the expression of the gratification it has afforded me to see that resolution emanate from my friend, the honorable Senator from Alamakee. It is peculiarly fitting that such a compliment should come from the minority side of this House, and especially from those of that minority entirely familiar with the rigid impartiality with which the retiring presiding officer has ever performed the delicate and onerous duties devolving upon him ; nor has the discharge of these duties been alone characterized by a pure and elevated impartiality, but peculiar fitness and marked ability for the station were so apparent as to enlist the early and continue the respect and confidence of all Senators. Differing, as I do, in political sentiment, so widely, not only now and heretofore, but ever must, from our honorable and retiring friend, I feel that I could not do less than express towards him the sentiments I have ; and, in doing so, also feel that I express the sentiments of every Senator of the Ninth General Assembly.

The resolution was unanimously adopted.

Mr. Cutts offered the following resolution, which was adopted :

Resolved, That the President of the Senate be authorized to appoint all standing committees for this session.

Mr. Dixon offered the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to remove the curtains in the Senate Chamber from the window-frames, and attach them to the top of the upper sash of each window, so as to secure proper ventilation.

Mr. Roberts offered the following resolution, which was adopted:

Resolved, That the Enrolling and Engrossing Clerks, the Sergeant-at-Arms, Doorkeeper, Postmaster and Assistant Postmaster, be allowed the same number of daily papers and postage stamps as have been allowed the Secretary and Assistant Secretary.

Mr. Patterson offered the following resolution, which was adopted:

Resolved, That the Secretary of State be required to place all documents ordered by the Senate on the desk of the Secretary and they be by him equally distributed.

The following message was received from the House of Representatives:

MR. PRESIDENT:—I am instructed to inform your honorable body that the House of Representatives has ordered the printing of 6,000 copies of the Governor's Message in English, 2,000 copies in German, 1,000 in Norwegian, 500 in Holland, and 500 in Bohemian, provided the translations do not cost above \$25 each, and also provided that the printing can be done in this State;

Also, That the House has ordered the printing of the Report of the Adjutant General, the Report of the Warden of the Penitentiary, the Reports of the officers of the Insane Asylum, the Reports of the officers of the Deaf and Dumb Asylum, the Reports of the Commissioner appointed to superintend the erection of the Blind Asylum, and the Reports of the Curators of the State Historical Society, with the Message of the Governor accompanying them;

Also, That the House has ordered the printing of the communication of the Governor relative to the services of the agent appointed to select the lands donated to the State, for the endowment of an Agricultural College;

Also of the Message of the Governor relating to the extraordinary expenses of the Executive Office.

J. RICH, Chief Clerk H. R.

Senator Gray offered the following concurrent resolution, which was adopted:

Resolved by the Senate, the House of Representatives concurring, That when the Joint Convention assembles as provided by Resolution to elect a U. S. Senator, State Printer, State Binder, and Warden of the Penitentiary, said Convention shall immediately thereafter said elections, proceed to elect three Bank Commissioners, and also three Directors of the State Bank of Iowa.

PETITIONS AND MEMORIALS.

Senator Woolson presented a memorial of E. H. Haines and

others, asking for an amendment to the General Incorporation Act.

Petition referred to Committee on Incorporations.

Senator Young presented the petition of O. J. Metcalf and others, asking for the enactment of a Registration Law.

Referred to the Committee on Judiciary.

INTRODUCTION OF BILLS.

Senator Woolson introduced Senate File No. 14: A Bill for an Act to authorize the County Board of Supervisors to appoint their own clerks, and to provide for their compensation.

Bill read first and second time and referred to Committee on County and Township Organization.

Also Senate File No. 15: A Bill for an Act to abolish the Board of Education and to provide for the educational interests of the State.

Bill was read first and second time, and referred to the Committee on Schools and School Lands.

Senator Hilsinger introduced Senate File No. 16: A Bill for an Act to annul sections 829 and 840 of the Revision of 1860, relating to roads.

Bill read first and second time and referred to Committee on Roads.

Also Senate File No. 17: A Bill for an Act to legalize the acts of Henry Green, a Notary Public in and for the county of Jackson.

Bill read first and second time and referred to the Committee on Judiciary.

Senator McCrary, of Lee, introduced Senate File No. 18: A Bill for an Act to increase the number of Judges of the Supreme Court and for other purposes.

Bill was read first and second time and referred to the Committee on Judiciary.

Also Senate File No. 19: A Bill for an Act to amend section 2856 of the Revision of 1860, and to provide a substitute therefor.

Bill read first and second time and referred to Committee on Judiciary.

Also Senate File No. 20: A Bill for an Act to amend section 432 of Revision of 1860.

Read first and second time and referred to the Judiciary Committee.

Senator McJunkin introduced Senate File No. 21: A Bill for an Act to provide for taking depositions to be used in the County Courts.

Bill was read first and second time and referred to Committee on Judiciary.

Senator Ross introduced Senate File No. 22: A Bill for an Act

to detach the county of Cass from the Third Judicial District and attach the same to the Fifth Judicial District.

The bill was read first and second time, and on motion of Mr. Ross, referred to a Select Committee of three, consisting of Senators Hatch, Bridges, and Ross.

Also Senate File No. 23: A Bill for an Act fixing the time of holding Courts in the county of Cass, of the Fifth Judicial District.

Read first and second time and referred to the same Committee.

Also Senate File No. 24: A Bill for an Act to define the time of holding Court in the Third Judicial District.

Bill read first and second time, and referred to the same committee.

Mr. Foote introduced Senate File No. 25: A Bill for an Act to amend Section 30, of Chapter 29, of the extra session of the 9th General Assembly.

Bill read first and second times, and was referred to the committee on Elections.

Mr. Crookham introduced Senate File No. 26: A Bill for an Act to extend the elective franchise.

Bill read first and second times, and on motion was referred to a committee of legal gentlemen, of whom Mr. Crookham was to be chairman.

President announced the committee as consisting of Senators Crookham, Stubbs, Cutts, Ross and Dixon.

Mr. Gue offered the following resolution, which was adopted:

Resolved, That 8,000 copies of the Governor's Inaugural Address be printed in English, 2,000 in German, 500 in Holland, 1,000 in Norwegian, and 500 in the Bohemian language, for the use of the Senate.

Mr. Shippen offered the following resolution, which was laid upon the table:

Resolved, That the Committee on Judiciary (as soon as the same is appointed) be instructed to inquire into the expediency of abolishing the County Board of Supervisors, and establishing in their stead a Board of County Commissioners, and to report by bill or otherwise.

Mr. Hatch, from a select committee, to whom was referred Senate File No. 2, reported the same back without amendment, and recommended its passage.

On motion of Mr. Dixon the bill was laid upon the table.

Mr. Hatch, from the select committee to whom were referred Senate Files No. 22, 23 and 24, reported the same back without amendment, and recommended their passage.

The 11th rule was suspended.

The following message was received from the House of Representatives:

MR. PRESIDENT:—I am directed to inform your Honorable Body

that the House has concurred in the following concurrent resolution of the Senate:

Resolved by the Senate, the House concurring, That the Senate will meet the House in Joint Convention on Saturday the 16th inst., at 11 o'clock A. M., for the purpose of electing a United States Senator, State Printer, State Binder and Warden of Iowa State Penitentiary.

J. RICH, Chief Clerk.

Senate File No. 22 was then read the third time, and on the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—42.

The nays were, Senators Brown, Henderson—2.

Senator Hesser was absent.

The bill passed and its title was agreed to.

Senate File No. 23 was then read a third time, and on the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—44.

The yeas were, none.

Senator Hesser was absent.

The bill passed and its title was agreed to.

Senate File No. 24 was then read a third time, and on the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—42.

The nays were, Senator Brown.

Senator Hesser was absent, and Senator Henderson not voting.

The bill passed and its title was agreed to.

On motion of Senator Wharton, Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER,
Des Moines, Iowa, JANUARY, 16, 1864.

Senate convened at 10 o'clock A. M.

Prayer by Rev. P. F. Bresee.

Journal of yesterday read and approved.

The President announced the following standing committees for the present session :

Judiciary—Messrs. McCrary of Lee, Burdick, Jennings, Ross, Henderson, Crookham and Patterson.

Ways and Means—Messrs. Foote, Udell, Gray, Clark, Young, Boardman and Bassett.

Federal Relations—Messrs. Henderson, McJunkin, Knoll, Cutts, Hunt, Stubbs and Hillyer.

Military Affairs—Messrs. Udell, Bassett, Young, Moore, Merrill, Branson and Gue.

Agriculture—Messrs. Clarkson, Gue, Brunson, McMillan, Hilsinger, King and Bridges.

University and University Lands—Messrs. Clark, Woolson, Gray, Ross, Brown, Hatch and Henderson.

Schools and School Lands—Messrs. Boardman, Parvin, Knoll, Saunders, Dixon, Brayton, McJunkin and Hart.

Charitable Institutions—Messrs. Stubbs, Ross, Hunt, Wharton, King, Brown and Roberts.

Claims—Messrs. Dixon, Jennings, Gue, Hogin, McMillan, Crookham and Hesser.

Elections—Messrs. Brayton, Bridges, Wharton, Cutts and Shippen.

Banks—Messrs. Woolson, McCrary of Van Buren, Foote, Crookham, Hurley, Hart and Patterson.

Railroads—Messrs. Roberts, Boardman, Burdick, Jennings, Henderson, Shippen and Clarkson.

Commerce—Messrs. Cutts, Parvin, Hogin, McCrary of Van Buren, and Hilsinger.

Township and County Organization—Messrs. Patterson, Hesser, Roberts, Flauth and Bridges.

Incorporations—Messrs. McJunkin, Hurley and Brown.

Public Buildings—Messrs. Hatch, Hogin, Foote, Hillyer and Hesser.

Manufactures—Messrs. Young, Parvin, Woolson, Gue and Boardman.

Public Lands—Messrs. Burdick, Woolson, McCrary of Lee, Bridges, Merrill and Stubbs.

Internal Improvements—Messrs. McCrary of Van Buren, Shippen, Clarkson, Hatch and Bassett.

Printing—Messrs. Gue, Moore, Clarkson, Flauth and Udell.

Roads—Messrs. Hillyer, McMillan, Hunt and Flauth.

New Counties — Messrs. Wharton, King, and Brunson.
County Boundaries — Messrs. Hilsinger, Merrill and Moore.
Library — Messrs. Hurley, Saunders, Dixon and Brayton.
Engrossed Bills — Messrs. Gray, Hunt and Hogin.
Enrolled Bills — Messrs. Parvin and Saunders.

Senator Young, offered the following resolution:

Resolved, That the Secretary be and is hereby directed to have printed for the use of the Senate 500 copies of the Rules of the Senate, Joint Rules of the House and Senate, with the names, residence, place of birth, age, occupation, and religious proclivities of each Senator, with a list of the Standing Committees.

Senator Patterson moved to strike out the words "religious proclivities."

The motion did not prevail and the resolution was adopted.

INTRODUCTION OF BILLS.

Senator Woolson introduced Senate File No. 27, a Bill for an Act to repeal Chapter 132 of the Laws of the Eighth General Assembly.

The Bill was read first and second time and referred to the Committee on Judiciary.

Senator Shippen introduced Senate File No. 28 : A Bill for an Act to amend an Act creating a County Board of Supervisors, defining the duties of certain county officers, approved March 22d, 1860, and for other purposes.

The Bill was read a first and second time, and referred to the Committee on Township and County Organization.

Senator Burdick introduced Senate File No. 29 : A Bill for an Act to amend section 307 of Revision of 1860.

The Bill was read first and second time and referred to the Committee on Township and County Organization.

Senator Gue offered the following resolution :

Resolved, That the Committee on Charitable Institutions be instructed to inquire into the necessity of building an Asylum for the support and education of the orphan children of Iowa Soldiers whose lives are sacrificed in defense of our Government ; and if upon investigation, such action shall, in their judgment be deemed expedient, they are hereby instructed to report a bill to the Senate providing for the erection of such an institution.

On motion of Senator Dixon the resolution was referred to a select committee of five, of which Senator Gue was Chairman.

The President announced the Committee as consisting of Senators Gue, McCrary of Van Buren, Jennings, Hatch and Flaugh.

Senator Crookham offered the following resolution which was adopted.

Resolved, That the Clerk of the Supreme Court furnish the Senate with the number of cases that have been brought up from the

different District Courts within the State of Iowa for the years 1860, 1861, 1862 and 1863, and how many cases have been decided by the Supreme Court each year, and further, how many cases are now undecided.

Senator Saunders offered the following resolution which was adopted :

Resolved, That the Secretary of State be authorized to procure for the use of the Postmaster the necessary apparatus for weighing mail matter.

Mr. Parvin moved to take from the table Senate File No. 7, and to refer the same to Committee on "Township and County Organization."

The bill was so referred.

On motion of Mr. McCrary, of Lee, the message of the Governor in reference to "Sanitary Affairs," with its accompanying reports, was taken up and referred to the Committee on Printing.

On motion of Mr. Patterson, Senate File No. 11 was taken from the table, and referred to the Committee on Agriculture.

Senator Stubbs moved to take from the table Senate File No. 2.

The motion was lost.

The following message was received from the House of Representatives :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House has concurred in the following concurrent resolution of the Senate :

Resolved by the Senate, the House of Representatives concurring, That when the Joint Convention assembles as provided by resolution, to elect a U. S. Senator, State Printer, State Binder and Warden of the Penitentiary, said convention shall immediately after said election proceed to elect three Bank Commissioners, and also three Directors of the State Bank of Iowa.

The House has also passed the following :

Resolved by the House of Representatives, the Senate concurring, That a committee of two on the part of the House, with a like committee on the part of the Senate, be appointed to prepare and report joint rules for the action of the two Houses, and that Messrs. Moir of Hardin, and Finkbine be said committee on the part of the House.

Also the following :

Resolved by the House of Representatives, the Senate concurring, That we as Representatives of the people of Iowa are proud to express our appreciation of the stern and lofty patriotism, the inflexible integrity, and the consummate skill and ability of the Hon. Samuel J. Kirkwood, late Governor of our State, in managing the finances and other important interests of our people—in meeting at the threshhold a rebellion that has no parallel in the history of our race—in organizing and infusing into our brave citizen soldiers that courage and devotion which have made them a

terror to our enemies and an honor to our State, and which emphatically points him out as a man worthy of a wider sphere of usefulness and a broader field of action.

In which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk H. R.

A committee from the House of Representatives announced that the House was ready to meet the Senate in Joint Convention, for the purpose of electing a United States Senator and other officers.

The President appointed Senator Udell Teller on the part of the Senate.

On motion of Senator Burdick the Senate proceeded to the Hall of the House.

HALL OF THE HOUSE OF }
REPRESENTATIVES. }

JOINT CONVENTION.

The President announced that they had met in Joint Convention to elect a U. S. Senator, State Printer, State Binder, Warden of the Penitentiary, three Bank Directors and three Bank Commissioners, and announced Senator Udell as Teller on the part of the Senate.

The Joint Convention then proceeded to the election of United States Senator.

Senator Foote nominated the Hon. James W. Grimes, of Des Moines County. Senator Paulk, of the House, nominated Hon. John D. Jennings, of Dubuque County.

Upon calling the roll the result was as follows:

Whole number of votes cast.....	134
Necessary to election.....	68
Of which James W. Grimes received.....	128
John D. Jennings received.....	5
And Mr. Love received.....	1

Those gentlemen voting for Mr. Grimes were, Messrs. Andrews of Keokuk, Andrews of Decatur, Bereman, Bruce, Bromley, Cell, Buckham, Caylies, Burke, Brown of the Senate, Brown of the House, Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Carey, Carbee, Campbell, Close, Clark of the House, Clark of the Senate, Clarkson, Crookham, Cutts, Day, Darby, Davis, Dorr, Dixon, Elliott, Fenn, Fry, Fuller, Finkbine, Foote, Flaugh, Garrett, Galland, Green, Glendenning, Gose, Gilchrist, Gue, Hale, Hildreth, Hixon, Helm, Horton, Hurst, Holdridge, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jeffries, Joy, Johnson, Knox, King of the House, King of the Senate, Latham, Lathrop, Logan, Littler, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Mills, Munsell, Moir,

McMaken, McNutt, McCall, McCormick, McKnight, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillen, Merrill, Nelson, Oliver, Parker, Perry, Pritchard, Potter, Patterson, Parvin, Russell of Jones, Russell of Washington, Runyan, Roberts, Ross, Sanderson, Sears, Simpson, Sturgess, Stiles, Stanton, Spurrier, Skiles, Smith, Sweet, Saunders, Stubbs, Shippen, Thompson, Udell, Van Sandt, Vinton, Weare, Wolfe, White, Wharton, Woolson, Young, and Mr. Speaker.

Those voting for Mr. Jennings were, Messrs. Christoph, Gray, Pault, O'Brien and Richards—Mr. Cort voting for Mr. Love.

James W. Grimes having received a majority of all the votes cast, was declared duly elected United States Senator for the term of six years from the 4th day of March, 1865.

The President announced that nominations for State Printer were next in order.

Mr. Gue nominated Francis W. Palmer of Polk county, Mr. Richards nominated A. P. Richardson of Clayton county.

A vote was taken with the following result:

Whole number of votes cast was.....	134
Necessary to a choice.....	68
Of which F. W. Palmer received.....	126
A. P. Richardson received.....	8

Those gentlemen voting for Mr. Palmer were:

Messrs. Andrews of Keokuk, Andrews of Decatur, Bereman, Bruce, Bromley, Bell, Buckham, Baylies, Burke, Brown of the Senate, Brown of the House, Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Carey, Carbee, Campbell, Close, Clark of the House, Clark of the Senate, Clarkson, Crookham, Cutts, Day, Darby, Davis, Dorr, Dixon, Elliott, Fenn, Fry, Fuller, Finkbine, Foote, Flauth, Garett, Galland, Green, Glendenning, Gose, Gilchrist, Gue, Hale, Hildreth, Hixon, Helm, Horton, Hurst, Holdridge, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jeffries, Joy, Johnson, Knox, King of the House, King of the Senate, Latham, Lathrop, Logan, Littler, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Mills, Munsoll, Moir, McMaken, McNutt, McCall, McCormick, McKnight, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Nelson, Oliver, Parker, Perry, Pritchard, Potter, Patterson, Parvin, Russell of Jones, Russell of Washington, Runyan, Roberts, Ross, Sanderson, Sears, Simpson, Sturgess, Stiles, Stanton, Spurrier, Skiles, Sweet, Saunders, Stubbs, Shippen, Thompson, Udell, Van Sandt, Vinton, Weare, Wolfe, White, Wharton, Woolson, Young, and Mr. Speaker—126.

Those who voted for Mr. Richardson were:

Messrs. Cort, Christoph, Gray, Jennings, Knoll, O'Brien, Pault and Richards. The President declared that Francis W. Palmer had received a majority of all the votes cast, and was elected State Printer.

The President announced that nominations for State Binder were in order. Senator Henderson nominated Frank M. Mills of Polk county; Mr. Richards nominated E. Meuler of Alamakee county.

A vote was then taken resulting as follows:

Whole number of votes cast,	131
Necessary to a choice.....	66
Of which F. M. Mills received.....	124
E. Meuler received.....	7

Those voting for Mr. Mills were:

Messrs. Andrews of Keokuk, Andrews of Decatur, Bereman, Bruce, Bromley, Bell, Buckham, Baylies, Burke, Brown of the Senate, Brown of the House, Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Carey, Carbee, Campbell, Close, Clark of the House, Clark of the Senate, Clarkson, Crookham, Cutts, Day, Darby, Davis, Dorr, Dixon, Elliott, Fenn, Fry, Fuller, Finkbine, Foote, Flaugh, Garrett, Galland, Green, Glendenning, Gose, Gilchrist, Gue, Hale, Hildreth, Hixon, Helm, Horton, Hurst, Holdridge, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jeffries, Joy, Johnson, Knox, King of the House, King of the Senate, Latham, Lathrop, Logan, Littler, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Mills, Munsell, Moir, McMaken, McNutt, McCall, McCormick, McKnight, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Nelson, Oliver, Parker, Perry, Pritchard, Potter, Patterson, Parvin, Russell of Jones, Russell of Washington, Runyan, Roberts, Ross, Sanderson, Sears, Simpson, Sturges, Stiles, Stanton, Spurrier, Skiles, Smith, Sweet, Saunders, Stubbs, Shippen, Thompson, Udell, Van Sandt, Vinton, Weare, Wolfe, White, Wharton, Woolson, Young, and Mr. Speaker—124.

Those voting for Meuler were:

Messrs. Cort, Christoph, O'Brien, Gray, Jennings, Pault and Richards—7.

Mr. F. M. Mills having received a majority of all the votes cast was declared by the President duly elected State Binder.

The President announced that nominations for Warden of the Penitentiary were next in order. Mr. McCrary of Lee, nominated E. A. Layton, of Lee county. Mr. Richards nominated Valentine Buechel of Scott county.

A vote was then taken with the following result:

Whole number of votes cast,	136
Necessary to a choice.....	69
Of which E. A. Layton received.....	128
Valentine Buechel received.....	8

Those voting for Mr. Layton, were

Messrs. Andrews of Keokuk, Andrews of Decatur, Bereman, Bruce, Bromley, Bell, Buckham, Baylies, Burke, Brown of the Senate, Brown of the House, Bassett, Burdick, Brunson, Brayton,

Boardman, Bridges, Carey, Carbee, Campbell, Close, Clark of the House, Clark of the Senate, Clarkson, Crookham, Cutts, Day, Darby, Davis, Dorr, Dixon, Elliott, Fenn, Fry, Fuller, Finkbine, Foote, Flauth, Garrett, Galland, Green, Glendenning, Gose, Gilchrist, Gue, Hale, Hildreth, Hixon, Helm, Horton, Hurst, Holdridge, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hillsinger, Jeffries, Joy, Johnson, Knox, King of the House, King of the Senate, Latham, Lathrop, Logan, Littler, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Mills, Mansell, Moir, McMaken, McNutt, McCall, McCormick, McKnight, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Nelson, Oliver, Parker, Perry, Prichard, Potter, Patterson, Parvin, Russell of Jones, Russell of Washington, Ruyan, Roberts, Ross, Sanderson, Sears, Simpson, Sturgess, Stiles, Stanton, Spurrier, Skiles, Smith, Sweet, Saunders, Stubbs, Shippen, Thompson, Udell, Van Sandt, Vinton, Weare, Wolfe, White, Wharton, Woolson, Young and Mr. Speaker—128.

Those voting for Mr. Buechel, were

Messrs. Cort, Christolph, Gray, Jennings, Knoll, O'Brien, Pauk and Richards—8.

Mr. Layton having received a majority of all the votes cast, was declared duly elected Warden of the State Penitentiary for two years after the expiration of his present term.

The President announced that nominations for Bank Directors were next in order. Senator Woolson nominated E. T. Edgerton, of Lucas, Reuben Noble, of Clayton, L. F. Sherman, of Washington. Senator Richards nominated Messrs. J. W. Thomas, of Alamaakee County, W. H. L. Pusey, of Pottawattamie, and Austin Corbin, of Scott County. A vote was then taken with the following result:

Whole number votes cast.....	126
Necessary to a choice.....	64
Of which E. F. Edgerton received.....	119
Reuben Noble received.....	119
L. T. Sherman.....	118
J. W. Thomas received.....	8
W. H. L. Pusey received.....	9
Austin Corbin received.....—	8

Those voting for Messrs. Edgerton, Noble and Sherman were:

Messrs. Andrews of Keokuk, Andrews of Decatur, Bereman, Bruce, Bromley, Bell, Buckham, Baylies, Burke, Brown of the Senate, Brown of the House, Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Carey, Carbee, Campbell, Close, Clark of the House, Clark of the Senate, Clarkson, Crookham, Cutts, Day, Darby, Davis, Dorr, Dixon, Elliott, Fenn, Fry, Fuller, Finkbine, Foote, Flauth, Garrett, Galland, Green, Glendenning, Gose, Gilchrist, Gue, Hale, Hildreth, Hixon, Helm, Horton, Hurst, Holdridge, Hart, Henderson Hogin, Hurley, Hillyer, Hesser, Hunt,

Hatch, Hillsinger, Jeffries, Joy, Johnson, Knox, King of the House, King of the Senate, Latham, Lathrop, Logan, Littler, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Mills, Munsell, Moir, McMaken, McNutt, McCall, McCormick, McKnight, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Nelson, Oliver, Parker, Perry, Pritchard, Pottor, Patterson, Parvin, Russell of Jones, Russell of Washington, Runnyan, Roberts, Sanderson, Sears, Simpson, Sturgess, Stiles, Stanton, Spurrier, Skiles, Smith, Sweet, Saunders, Stubbs, Shippen, Thompson, Udell, Van Sandt, Vinton, Weare, Wolfe, White, Wharton, Woolson, Young, and Mr. Speaker—118.

Those who voted for Messrs. Thomas, Pusey, and Corbin, were Messrs. Cort, Christoph, Gray, Jennings, Knoll, O'Brien, Paulk, and Richards—8.

Senator Ross voted for Messrs. Noble, Edgerton, and Pusey.

Messrs. Edgerton, Noble, and Sherman were thereupon declared duly elected Directors of the State Bank of Iowa for the term of two years.

The President then announced that nominations for Bank Commissioners were in order. Senator McCrary of Van Buren nominated Messrs. Wm. Bickford of Jefferson, Thomas A. Graham of Tama, E. S. Griffith of Polk.

Senator Richards nominated H. Bracewell of Wayne, Byron Rice of Polk County, and Justin Clark of Des Moines County, when a vote was taken with the following result.

Whole number of votes cast.....	122
Necessary to a choice.....	63
Of which Mr. Bickford received.....	114
Thomas A. Graham received.....	114
E. S. Griffith received.....	114
H. Bracewell received.....	8
Byron Rice received.....	8
Justin Clark received.....	8

Those gentlemen who voted for Messrs. Bickford, Graham and Griffith were:

Messrs. Andrews of Keokuk, Andrews of Decatur, Bereman, Bruse, Bromley, Bell, Buckham, Baylies, Burke, Brown of the Senate, Brown of the House, Bassett, Burdick, Brayton, Boardman, Bridges, Carbee, Campbell, Close, Clark of the House, Clark of the Senate, Clarkson, Crookham, Cutts, Day, Darby, Davis, Dorr, Dixon, Fenn, Fry, Fuller, Finkbine, Foote, Flaugh, Garrett, Galland, Green, Gose, Gilchrist, Gue, Hale, Hildreth, Hixon, Helm, Horton, Hurst, Holdridge, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hillsinger, Jeffries, Joy, Johnson, Knox, King of the House, King of the Senate, Latham, Lathrop, Logan, Littler, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Mills, Munsell, Moir, McMaken, McNutt, McCall, McCormick, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill,

Nelson, Oliver, Parker, Perry, Pritchard, Patterson, Parvin, Russell of Washington, Runyan, Roberts, Sanderson, Sears, Stiles, Stanton, Spurrier, Skiles, Smith, Sweet, Saunders, Stubbs, Shippen, Thompson, Udell, Van Sandt, Vinton, Weare, Wolfe, White, Wharton, Woolson, Young, and Mr. Speaker—114.

Those who voted for Messrs. Clark, Rice and Bracewell, were Messrs. Cort, Christlop, Gray, Jennings, Knoll, O'Brien, Paultk, and Richards—8.

Messrs. Bickford, Graham and Griffith were therefore declared duly elected Bank Commissioners for the term of two years.

The following certificates by the President of the Convention and Speaker of the House of Representatives, attested by the tellers, in the presence of the Joint Convention, were read by the Clerk:

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, Iowa, Jan. 16, 1864. }

This will certify, that at an election by the Senate and House of Representatives of the State of Iowa, in Joint Convention assembled, at the Capitol, on Saturday, the 16th day of January, A. D. 1864, for the purpose of electing a United States Senator, James W. Grimes having received a majority of all the votes cast for said office, was declared duly elected United States Senator for the term of six years from and after the fourth day of March, eighteen hundred and sixty-five.

Signed in the presence of the Joint Convention, the day and year first above written.

E. W. EASTMAN,
President of the Senate.
JACOB BUTLER,
Speaker of the House.

N. UDELL,
Teller of the Senate.
H. C. VINTON,
Teller of the House.

ATTEST:

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, Iowa, Jan. 16, 1864. }

This will certify that, at an election by the Senate and House of Representatives of the State of Iowa, in Joint Convention assembled, at the Capitol, on Saturday, January 16th, A. D., 1864, for the purpose of electing a State Printer, Francis W. Palmer having received a majority of all the votes cast for said office, was declared duly elected State Printer for the term of two years from and after the first day of May, A. D. 1865, or until his successor is elected and qualified.

Signed in the presence of the Joint Convention, the day and year first above written.

E. W. EASTMAN,
President of the Senate.

JACOB BUTLER,
Speaker of the House of Representatives.

ATTEST:

N. UDELL,
Teller of the Senate.

H. C. VINTON,
Teller of the House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, Iowa, Jan. 16, 1864. }

This is to certify that, at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, January 16th, 1864, for the purpose of electing a State Binder, Frank M. Mills having received a majority of all the votes cast for said office, was duly declared elected State Binder for the term of two years from and after the expiration of the term of present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 16th day of January, A. D. 1864.

E. W. EASTMAN,
President of the Joint Convention.

JACOB BUTLER,
Speaker of the House of Representatives.

ATTEST:

N. UDELL,
Teller for Senate.

H. C. VINTON,
Teller for House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, Iowa, Jan. 16, 1864. }

This will certify that, at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention assembled, on Saturday, the sixteenth day of January, eighteen hundred and sixty-four, for the purpose of electing a Warden of the Iowa State Penitentiary, Edward A. Layton having received a majority of all the votes cast, was duly elected for the term of two years from and after the expiration of the term of the present incumbent.

E. W. EASTMAN,
President of Joint Convention.

JACOB BUTLER,
Speaker of House of Representatives.

ATTEST:

N. UDELL,
Teller for Senate.

H. C. VINTON,
Teller for House.

It is hereby certified that, at an election held this day by the Senate and House of Representatives of Iowa, in Joint Convention assembled, at the Capitol, for the purpose of electing Directors of the State Bank of Iowa, E. T. Edgerton, of Lucas county, having received a majority of all the votes cast for said office, was declared duly elected to the office of Director of the State Bank of Iowa, for the term of two years from the expiration of the term of his predecessor, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 16th day of January, A. D. 1864.

E. W. EASTMAN,

President of Senate.

JACOB BUTLER,

Speaker of House of Representatives.

N. UDELL,

Teller for Senate.

H. C. VINTON,

Teller for House of Representatives.

ATTEST:

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, Iowa, Jan. 27, 1864. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, January 16th, 1864, for the purpose of electing Bank Directors, Reuben Noble, of Clayton county, having received a majority of all the votes cast for said office, was duly declared elected Director of the State Bank of Iowa for the term of two years from and after the expiration of the term of the present incumbent, or until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 16th day of January, A. D. 1864.

E. W. EASTMAN,

President of the Senate.

JACOB BUTLER,

Speaker of the House of Representatives.

ATTEST:

N. UDELL,

Teller of the Senate.

H. C. VINTON,

Teller of the House.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, JANUARY 16, 1864. }

It is hereby certified that at an election of the Senate and House of Representatives of the State of Iowa, on this day in Joint Convention assembled, for the purpose of electing three Directors of the State Bank of Iowa, L. F. Sherman of Washington county

having received a majority of all the votes cast for said office, was declared duly elected Director of the State Bank of Iowa, for the term of two years from and after the expiration of the term of his predecessor and until his successor is elected and qualified.

Signed in the presence of the Joint Convention the day and year above written.

E. W. EASTMAN,
President of the Senate.

JACOB BUTLER,
Speaker of the House of Representatives.

ATTEST:

N. UDELL,
Teller of the Senate.

H. C. VINTON,
Teller of the House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, JANUARY 16, 1864. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention on Saturday January 16th, 1864, for the purpose of electing three Bank Commissioners, William Bickford having received a majority of all the votes cast for said office was duly declared elected Bank Commissioner for the term of two years from and after the expiration of the present incumbent or until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 16th day of January, A. D. 1864.

E. W. EASTMAN,
President of the Joint Convention.

JACOB BUTLER,
Speaker of House of Representatives.

ATTEST:

N. UDELL,
Teller for the Senate.

H. C. VINTON,
Teller for the House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, JANUARY 16, 1864. }

It is hereby certified that at an election by the Senate and House of Representatives of Iowa, in Joint Convention assembled at the Capitol, on the day above mentioned, for the purpose of electing three Bank Commissioners, Thomas A. Graham having received a majority of all the votes cast was declared duly elected to the office of Bank Commissioner for the term of two years from the expiration of the term of his predecessor and until his successor is elected and qualified.

Signed in the presence of the Joint Convention this 16th day of January, A. D. 1864.

E. W. EASTMAN,
President of the Senate.

JACOB BUTLER,
Speaker of the House of Representatives.

ATTEST :

N. UDELL,
Teller for the Senate.

H. C. VINTON,
Teller for the House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, JANUARY 16, 1864. }

It is hereby certified that at an election of the Senate and House of Representatives of the State of Iowa, on this day in Joint Convention assembled for the purpose of electing three Bank Commissioners, E. S. Griffith of Polk county having received a majority of all the votes cast for said office, was declared duly elected Bank Commissioner for the term of two years from and after the expiration of the term of his predecessor and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, the day and year above written.

E. W. EASTMAN,
President of the Senate.

JACOB BUTLER,
Speaker of the House of Representatives.

ATTEST :

N. UDELL,
Teller for the Senate.

H. C. VINTON,
Teller for House of Representatives.

On motion the Joint Convention adjourned *sine die*.

SENATE CHAMBER, 1 o'clock p. m.

The Senate having returned to its chamber was called to order by the President.

On motion of Senator Udell the following was adopted :

Resolved, That the Secretary of State furnish the Messengers, Paper-Folders, and Fireman the same articles furnished other officers of the Senate.

On motion of Senator Woolson, the President appointed Messrs. Woolson and Stubbs a Committee on the part of the Senate to act with a like Committee from the House, in preparing Joint Rules for the two Houses.

On motion of Senator Hatch leave of absence was granted Sena-

tor Roberts for one week, unless his health should enable him to return sooner.

Senator Knoll moved that when the Senate adjourned it be to meet on Monday next at 10 o'clock A. M.

Motion prevailed.

On motion of Senator Wharton Senate adjourned.

SENATE CHAMBER,
DES MOINES, January 18th, 1864. }

Senate convened at 10 o'clock A. M.

Prayer by Rev. J. M. Chamberlain.

Journal of Saturday read and approved.

Senator Stubbs, from the Committee on Joint Rules, was granted leave to submit the following report, which was adopted:

ADD TO RULE 1ST THE FOLLOWING: "Should either House disagree to the report of the committee, such House shall appoint a second committee, and request a further conference, which shall be acceded to by the other House before adhering.

"The motion for a Committee of Conference, and the report of such committee, shall be in order at any time.

"When both Houses shall have adhered to their disagreements a Bill or resolution is lost."

RULE 12. When any report, bill or resolution shall be ordered printed by either House without stating the number, five hundred copies shall be printed for the use of both Houses. But when any bill or resolution which may have passed one House, is ordered to be printed by the other, a greater number of copies shall not be printed than the House making the order shall determine.

Senator Woolson offered the following concurrent resolution, which was adopted:

Resolved by the Senate, the House of Representatives concurring,
That in place of the number of copies of Rules heretofore ordered printed by either House, there shall be printed 500 copies of the Rules of the Senate, 500 copies of the Rules of the House of Representatives, and 500 copies of the Joint Rules of both Houses, and a like number of copies of the names of the officers and members of this General Assembly, with the usual statistics of age, place of residence, &c.; that the same be bound with paper covers into 500 volumes—150 of which the Secretary of State shall preserve for the use of the next General Assembly, and the remaining 350 be distributed equally among the said officers and members.

PETITIONS AND MEMORIALS.

Senator McCrary, of Lee, presented a petition from Jonathan

Jones, of Lee County, asking for a new trial. Referred to Judiciary Committee.

Senator Hunt presented a petition from the Grand Jurors of Dubuque County, Iowa, praying for the enactment of a "Registry Law." Referred to Committee on Elections.

Senator McJunkin presented a petition from the citizens of the Independent School District of Brighton, in the County of Washington, asking for an act authorizing them to levy a tax. Referred to Judiciary Committee.

Senator McCrary presented the claim of S. S. Pierce, in relation to pay for services as a member of the Southern Border Brigade. Referred to the Committee on Claims.

Senator Ross presented the petition of Capt. Hoyt, asking that the men of the Southern Border Brigade be allowed commutation of rations and forage. Referred to Committee on Military Affairs.

Also a petition of the citizens of Cass County, praying to be changed from the 3d to the 5th Judicial District. Petition laid upon the table.

Senator Crookham presented a petition from citizens of Mahaska County, asking that a law be passed to restrain hogs and sheep. Referred to the Committee on Agriculture.

Also a petition of the School-Teachers of Mahaska County, asking for amendments to the School Law. Referred to the Committee on Schools.

Senator Burdick presented a petition from Capt. Burdick, 6th Iowa Cavalry, asking for that regiment to be sent into active service South. Referred to Committee on Military Affairs.

Senators Clark and Jennings were excused for the day.

INTRODUCTION OF BILLS.

By Senator Cutts, Senate File No. 30: A Bill for an Act in relation to causes submitted to the several District Courts of this State, and which have been or may be hereafter decided in vacation.

The Bill was read first and second times, and referred to the Judiciary Committee.

By Senator Brayton, Senate File No. 31: A Bill for an Act to amend section 2220 of the Revision of 1860, in relation to recorded instruments.

The Bill was read first and second times, and referred to Judiciary Committee.

By Senator Bassett, Senate File No. 32: A Bill for an Act to amend section 1, chapter 109, of the laws of the State of Iowa passed at the Regular Session of the 9th General Assembly.

The Bill was read first and second times, and referred to the Judiciary Committee.

By Senator Udell, Senate File No. 33: A Bill for an Act to provide a salary for the Adjutant General of the State and to provide a contingent fund for said officer.

The Bill was read first and second times, and referred to Committee on Military Affairs.

By Senator Knoll, Senate File No. 34: A Bill for an Act to amend chapter 46 of the "Revision of 1860," entitled an Act to provide for making and repairing roads and highways, and prescribe duties of township officers.

Bill read first and second times, and referred to the Committee on Roads.

By Senator Hart, Senate File No. 35: A Bill for an Act to "exempt the property of soldiers from taxation."

Bill read first and second times, and referred to Committee on Ways and Means.

By Senator Moore, Senate File No. 36: A Bill for an Act to amend section 2d of chapter 173, of Acts of the 9th General Assembly in relation to city and township Assessors.

Bill read first and second time, and referred to the Committee on Township and County Organizations.

By Senator Gray, Senate File No. 37: A Bill for an Act to amend section 5, chapter 163 of the Acts of the Ninth General Assembly, and to fix the per diem of Road Supervisors.

The Bill was read first and second time and referred to Committee on Township and County Organization.

By Senator McJunkin, Senate File No. 38: A Bill for an Act fixing the time of holding Courts in the Sixth Judicial District.

The Bill was read first and second time and referred to a Special Committee, consisting of the Senators from the Sixth Judicial District, with Mr. Cutts as Chairman.

By Senator Cutts, Senate File No. 39: A Bill for an Act to repeal sections 4779 and 4780 of the Revision of 1860, and to provide a substitute therefor.

The Bill was read first and second time and referred to Committee on Judiciary.

Senator Bassett offered the following resolution, which was adopted:

Resolved, That a Committee of three be appointed to enquire and report, at an early date, by Bill or otherwise, what legislation, if any, is required to protect the rights of *bona fide* purchasers from the State of Iowa, of land situated in the odd sections above the Raccoon Fork of the Des Moines River, within five miles of said river, and conveyed by the State prior to the 7th day of May, 1854; and of purchasers of any of said land, conveyed to them since that date and prior to the first day of January, 1862; and who, at the last mentioned date, improved and occupied the same, not exceeding, however, one hundred and sixty acres to any one land settler; also of purchasers of land sold by John Toleman, School Fund Commissioner of Webster County, within the fifteen mile limits of the grant to the Dubuque & Sioux City Rail Road Company; also what action on the part of the State is required to

protect the rights of claimants, who, on the 12th day July, 1862, were *bona fide* occupants of land situated within the limits of the grant to the Keokuk, Fort Des Moines & Minnesota R. R. Co., and now claimed by said Company, and who filed their applications for pre-emptions in the Land Office at Fort Dodge prior to the receipt of official notice at said office of the transfer to said Railroad of said land by act of Congress, approved July 12, 1862; and, if practicable, to ascertain what concessions can be obtained from the several Railroad Companies interested therein, in favor of the rights of the said parties.

The President appointed Senators Bassett, Henderson and Clarkson, as such Committee.

Senator Brunson offered the following resolution, which was adopted :

Resolved, That the Secretary of State be requested to furnish each member of the Senate with a copy of the Acts of the Extra Session of the Eighth and Ninth General Assemblies.

Senator Clarkson offered the following resolution :

Resolved, That the Post Master of the Senate be requested to keep the office open on Sundays from 9 to 10 o'clock A. M., and from 3 to 4 o'clock P. M.

Senator Dixon moved to amend by inserting "from 1 to 2 o'clock," instead of "from 3 to 4 o'clock." Lost.

The Resolution was adopted.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your honorable body that the House of Representatives has passed Senate File No. 3 : A Joint Resolution asking Congress to increase the pay of all non-commissioned officers and privates in the service of the United States, with the following amendment :

"SEC. 1. *Be it further resolved*, That the Secretary of State be instructed to furnish each Senator and Representative of this State in Congress with a copy of this resolution," in which the concurrence of the Senate is respectfully asked.

Also, that the House has passed Senate File No. 22 : A Bill for an Act detaching the county of Cass from the Third Judicial District and annexing the same to the Fifth Judicial District.

And Senate File No. 23 : A Bill for an Act fixing the time of holding Courts in the county of Cass of the Fifth Judicial District.

The House has also passed the following Concurrent Resolution :

Resolved by the House of Representatives, the Senate concurring, That we earnestly recommend that discharged soldiers who have been disabled by wounds or disease in the service of their country, should have the preference, as far as they are competent, in being employed in all the positions within the gift of the Federal and State Governments.

Also, that the House has passed the following Concurrent Resolutions:

Resolved by the House of Representatives of the State of Iowa, the Senate concurring, That the Colonels of the Iowa Regiments engaged in the service of their country, be respectfully requested to furnish the Adjutant General of the State, at their earliest convenience, with a brief history of their respective regiments, showing what they have accomplished and endured, not only upon the battle-field, but upon the march and in camp; with a view that the information thus obtained may hereafter be embodied into a permanent history and monument of the patriotism, the heroism and the achievements of the soldiers of Iowa.

Resolved further, That the Adjntant General be requested to communicate the above resolution to the Colonels of their respective regiments.

In which, the concurrence of the Senate is respectfully requested.

JACOB RICH, Chief Clerk.

Senator Burdick offered the following resolution, which was adopted:

Resolved, That the Senate will hold one sssion a day commencing at ten o'clock A. M., until otherwise ordered.

Senator Moore offered the following concurrent resolution which was adopted.

Resolved by the Senate, the House of Representatives concurring, That the Secretary of State be directed to procure a new Flag Staff for the Capitol building, and that he be also directed to raise the Flag at the convening and lower at the adjournment of the Legislature.

Senator Henderson offered the following resolution which was laid upon the table:

Resolved by the Senate, the House concurring, That this General Assembly will adjourn *sine die* on Monday, the 15th day of February, 1864, at 12 o'clock M.

Senator Patterson offered the following resolution which was adopted:

Resolved, That the Secretary of State be directed to procure an American Flag, and have the same suspended over the chair of the President in the Senate Chamber.

On motion of Senator McCrary, of Lee, the Governor's Message was taken from the table, and that portion of it relating to Finances was referred to the Committee on "Ways and Means."

That relating to School and University Fund, to the Committee on University and University lands.

That relating to school and University lands, to Committee on Schools and School lands.

That relating to De Moine River Grant, to special Committee on De Moine River Lands of which Mr. Bassett is Chairman.

That relating to Swamp Lands to Committee on Township and County organizations.

That relating to Agriculture, to Committee on Agriculture.

That in relation to Supreme Court, to the Judiciary Committee.

That in relation to a Law Library, to the Committee on Library.

That portion relating to the State University, to the Committee on University and University Lands.

That in relation to the State Historical Society, to Committee on Schools and School Lands.

Those portions relating to Charitable Institutions and the State Penitentiary, to the Committee on Charitable Institutions.

That portion relating to organizing and arming Volunteer Companies, to the Committee on Military affairs.

And that portion relating to National affairs, was referred to the Committee on Federal Relations.

On motion of Senator Woolson, Senate File No. 9: A Bill for an Act to amend Chapter 53, of the Revision of 1860, entitled "of corporations, other than of pecuniary profit," was taken from the table and referred to the Committee on Incorporations.

Senate File No. 6: A Bill for an Act to amend Chapter 115 of the Revision of 1860, and to reduce the expenses of Grand Juries, was taken up and referred to the Judiciary Committee.

Senate File No. 10: A Bill for an Act in relation to the salaries of certain officers, and to provide for contingent expenses, was taken up and referred to the Committee on Ways and Means.

The President laid before the Senate the following communication:

IOWA STATE AGRICULTURAL SOCIETY, }
SECRETARY'S OFFICE, DES MOINES, JAN. 15, 1864. }

Mr. President and Gentlemen of the Senate: I have the honor to inform you, that, at a meeting of the Board of Directors of the Iowa State Agricultural Society held January 14th, 1864, it was unanimously

Resolved, That the thanks of the State Board of Agriculture be tendered the Senate for the use of their Hall, and for the courtesy extended to them during the ceremonies connected with the inauguration of His Excellency, the Governor, Wm. M. Stone.

Most respectfully,

Your ob't serv't,

J. M. SHAFFER,

Sec'y Iowa State Agricultural Society.

Also a report from the State Librarian, which was referred to the Committee on printing.

Senator Gray, from the Committee on Engrossed Bills, reported that Senate File No. 1: A Bill for an Act to repeal Chapter 17 of the laws of the 9th General Assembly, entitled an act to provide

for the better protection of the Southern Border of this State, had been examined and found to be correctly engrossed.

The bill was read a third time, and on the question, "shall the Bill pass," the yeas were:

Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogan, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippenn, Udell, Wharton, and Woolson—40.

The nays were none.

Absent and not voting were Senators Clark, Jennings, McJunkin, Roberts and Young.

The Bill passed, and its title was agreed to.

On motion Senate adjourned.

SENATE CHAMBER,
Des Moines, January 19th, 1864.

Senate convened at 10 o'clock, A. M.

Prayer by Rev. J. M. Chamberlain.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Mr. Parvin: A petition from the Board of Supervisors of Muscatine county, asking that property of Railroad Companies be taxed the same as other property. Referred to Committee on Ways and Means.

By Senator Foote: A petition from Board of Supervisors of Des Moines county, relating to School Fund. Referred to Committee on Schools and School Lands.

By Senator Gray: A petition from Mr. George W. Camp, asking payment for a horse lost in the service. Referred to Committee on Claims.

By Senator King: A petition of citizens of Tama county, asking an amendment to the laws restraining male animals. Referred to Committee on Agriculture.

By Senator Gue: A petition of Peter Melendy and others, asking an amendment to Chapter 67 of Revision of 1860. Referred to Committee on Agriculture.

INTRODUCTION OF BILLS.

By Senator Patterson, Senate File No. 40: A Bill for an Act providing for the relief of the families of soldiers.

The bill was read first and second time, and referred to Committee on Ways and Means.

By Senator Young, Senate File No. 41: A Bill for an Act to divide the office of County Treasurer and Recorder.

Bill read first and second time, and referred to Committee on Township and County Organization.

By Senator McCrary, of Van Buren, Senate File No. 42: A Bill for an Act to amend Sec. 3980 of Chap. 159, of Revision of 1860.

The bill was read first and second time, and referred to Committee on Judiciary.

By Senator Parvin, Senate File No. 43: A Bill for an Act for the taxing of dogs, and to encourage the raising of sheep.

The bill was read first and second time, and referred to Committee on Agriculture.

By Senator Hunt, Senate File No. 44: A Bill for an Act fixing the time of holding Courts in the Tenth Judicial District of the State of Iowa.

The bill was read first and second time, and referred to a select Committee consisting of the Senators from that District, of which Senator Burdick is Chairman.

By Senator McJunkin, Senate File No. 45: A Bill for an Act regulating the taxation and collection of costs in criminal cases.

The bill was read first and second time, and referred to Judiciary Committee.

By Senator Brown, Senate File No. 46: A Bill for an Act to repeal Sec. 2281 of Chap. 98, of Revision of 1860.

The bill was read first and second time, and referred to Committee on Charitable Institutions.

By Senator Crookham, Senate File No. 47: A Bill for an Act extending the jurisdiction of County Courts in criminal cases.

The bill was read first and second time, and referred to Committee on Judiciary.

By Senator McCrary, of Lee, Senate File No. 48: A Bill for an Act to provide for reporting the decisions of the Supreme Court of this State.

Bill was read first and second time, and referred to the Judiciary Committee.

By Senator Woolson, Senate File No. 49: A Bill for an Act changing rates of interest on warrants of State Treasurer in certain cases.

Bill was read first and second time, and referred to Committee on Ways and Means.

By Senator Woolson, Senate File No. 50: A Bill for an Act providing for the taxation of Railroad property the same as other property.

Bill was read first and second time, and referred to Committee on Ways and Means.

Senator Boardman offered the following resolution, which was adopted:

Resolved, That a Committee on Senatorial and Representative Districts be appointed, of which Committee Senator Gue, of Scott county, shall be Chairman.

The President appointed Senators Gue, Hart, Hunt, Hurley, Bridges, Merrill and Bassett.

Senator Flaugh offered the following:

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of providing for a system of township collectors, for the collection of taxes from resident tax payers.

On motion of Senator Udell, the resolution was laid upon the table.

Senator Gue offered the following concurrent resolution, which was adopted:

WHEREAS, A proposition is now before Congress to enlarge canals now constructed, and construct others, for the purpose of securing water communication between the Mississippi River and the City of New York, and as it is of vital importance to the interest of Iowa that the proposed canal shall be located so that all parts of our State may be benefitted by such new means of communication; therefore, be it

Resolved by the Senate, the House concurring, That our Senators and Representatives in Congress are hereby earnestly requested to use their influence to secure the construction of the proposed canal on the shortest route by which the water of the Hudson River can be connected with the Upper Mississippi.

Resolved, That a copy of these resolutions be sent by the Secretary of State to each of our Senators and Representatives in Congress.

Senator Brunson offered the following:

Resolved by the Senate, the House concurring, That five daily newspapers or their equivalent in weeklies be allowed each of the following State officers during the present session, to-wit: Secretary of State, Auditor of State, Treasurer of State, Register of State Land Office, Secretary of Board of Education, Governor, Lieutenant Governor, and the Adjutant General; and that the above named officers be allowed one dollar's worth of stamps per week for the above named time.

On motion of Senator Cutts the resolution was laid upon the table.

REPORTS OF COMMITTEES.

Senator Parvin, from Committee on Enrolled Bills, reported that they had examined Senate Files Ho. 22 and No. 23, and find them correctly enrolled.

Mr. McCrary, of Lee, from the Judiciary Committee, submitted the following report:

To the Senate of Iowa :— Your committee on the Judiciary, to whom was referred Senate File No. 6, Bill for an Act to amend chapter 115 of the Code of 1860, and to reduce the expense of Grand Juries, have had the same under consideration, and have instructed me to report the same back and recommend that it be indefinitely postponed.

GEO. W. McCRARY, Chairman.

The report was adopted and the Bill postponed.

Senator Udell from the Committee on Military Affairs, submitted the following report :

MR. PRESIDENT : Your committee on Military Affairs beg leave to report that they have had under consideration "A Bill for an Act to fix and provide for the salary of the Adjutant General of the State, and to provide a contingent fund for said officer;" and have unanimously instructed me to report the same back with a slight amendment and recommend its passage.

Insert the word "services" after the word "extraordinary" in the 2d section.

N. UDELL, Chairman.

Senator Crookham moved to lay the report on the table and print. Motion lost.

Senator Cutts moved to strike out the 2d section.

On motion of Senator Crookham the Bill was referred to Committee on Ways and Means.

Senator McCrary, of Lee, from Committee on Judiciary, made the following report :

To the Senate of Iowa :— The Committee on the Judiciary, to whom was referred Senate File No. 39, A Bill for an Act to repeal sections 4779 and 4780 of the Revision of 1860, and to provide a substitute therefor, have had the same under consideration, and have instructed me to report the same back and recommend the adoption of the following amendments : In section 1, strike out the word "eight" and insert "ten," and strike out the word "sixteen" and insert "twenty."

And thus amended the committee recommend the passage of the Bill.

GEO. W. McCRARY, Chairman.

The report of the committee was adopted.

And the Bill ordered to be engrossed and read a third time tomorrow.

Also the following report, which was recommitted with instruction to report a Bill embodying all Bills of a similar character, which may be referred to them during the session :

To the Senate of Iowa :— The Committee on the Judiciary, to whom was referred Senate File No. 17, A Bill for an Act to legalize the acts of Henry Green, Notary Public, have had the same under consideration, and have instructed me to report the same back and recommend its passage. Your committee would add

that the carelessness or negligence of Notaries is becoming a great evil, and we would not be inclined to recommend the passage of this act but from the fact that innocent persons may suffer unless the acts of said Notary are legalized. In the opinion of your committee it would be well to provide by suitable legislation severe penalties for acting as Notary Public without proper authority.

GEO. W. McCRARY, Chairman.

By Mr. Foote:

MR. PRESIDENT:—The Committee on Ways and Means would report back Senate File No. 8, entitled “A Joint Resolution for the preservation of printed bills,” without amendment, and recommend its passage.

Also, would report on Senate File No. 10—“A Bill for an Act in relation to the salaries of certain officers, and to provide for contingent expenses”—and recommend the following amendments:

1st. In the fourth line, section 2d, strike out the words “with the commencement of his term” and insert “with the first quarterly payment made after the taking effect of this act.” [Adopted.]

2d. In the first line, section 5, strike out the word “eight” and insert “seven.” [Adopted.]

3d. In section 6 strike out all after the word “quarter” in the first line. [Adopted.]

Thus amended the Committee recommend the passage of the Bill.

JOHN G. FOOTE, Chairman.

The report was adopted.

By Senator McCrary of Lee.

To the Senate of Iowa: Your Committee on the Judiciary, to whom was referred the petition of O. J. Mitchell and others, praying the passage of a Registry law, have had the same under consideration and have instructed me to report the same back, and recommend that it be referred to the Committee on Elections.

On motion of Mr. Brayton Senate File No. 10 was made a special order for 11 o'clock a. m., to-morrow.

Senate File No. 8: A Joint Resolution to preserve printed bills, was then read a third time, and on the question, “shall the bill pass?”

The yeas were, Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillier, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—42.

The nays were none.

Absent and not voting, Senators Clark, Jennings and Roberts.

The bill passed and its title was agreed to.

The following message was received from the House of Representatives :

MR. PRESIDENT :—I am directed to inform your honorable body that the House of Representatives has passed Senate File No. 24 : an act to define the times of holding Courts in the Third Judicial District, with the following amendments, in which the concurrence of the Senate is respectfully asked :

At Sidney, in Fremont county on the fourth Monday in February and August of each year.

At Clarinda, in Page county on the first Thursday in March and September in each year.

At Bedford, in Taylor county on the second Thursday in March and September in each year.

At Mt. Ayr, in Ringgold county on the first Monday after the 2d Thursday in March and September in each year.

At Leon, in Decatur county on the 3d Thursday in March and September in each year.

At Osceola, in Clarke county on the Monday after the fourth Thursday in March and September in each year.

At Afton, in Union county on the second Thursday after the fourth Thursday in March and September in each year.

At Quincy, in Adams county on the Monday following the second Thursday after the fourth Thursday in March and September in each year.

In Frankfort, in Montgomery county on the third Thursday after the fourth Thursday in March and September in each year.

At Glenwood, in Mills county on the third Monday in April and September in each year.

At Council Bluffs, in Pottawattamie county on the first Monday in May and October in each year.

The House has also concurred in the Senate Resolution providing for the publication of the Rules and Joint Rules of the two Houses, and in that directing the Secretary of State to erect a new flag staff on the Capitol Building.

JACOB RICH,
Chief Clerk.

On motion of Senator Ross, Senate File No. 24: A Bill for an Act fixing the times of holding Court in the Third Judicial District, was taken up, and on the question of concurring in the House amendments,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Clarkson, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Heaser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—40.

The nays were, none.

Absent and not voting were, Senators Bridges, Clark, Jennings, Roberts, and Young.

So the amendment was concurred in.

Mr. Hilsinger offered the following resolutions :

Resolved, That this Senate has heard with profound sorrow, the announcement of the death of Hon. Don A. CARPENTER, a member elect of this Senate from the Thirtieth Senatorial District of the State of Iowa.

Resolved, That the Senate tender the widow and relatives of the deceased the expression of its deep sympathy in this afflicting bereavement.

Resolved, That the Secretary of this Senate communicate to the widow of the deceased a copy of these resolutions.

Resolved, That as a further mark of respect, that a copy of these resolutions be communicated to the House of Representatives, and that the Senate do now adjourn.

The resolution pending, Senator Boardman said:

MR. PRESIDENT:—I would not feel justified in allowing this occasion to pass without saying a word in eulogy of the honored dead. Don A. Carpenter was no ordinary man; though comparatively a young man when he closed his mortal career, he has accomplished more, much more for his country, than most men with a life protracted to three score years and ten. He was a true Christian as well as a soldier, and an ardent lover of humanity. By his personal and persevering efforts, he raised the first company that went into the field from Jones county. As I happened to be present at Anamosa when he started with his noble company for the place of rendezvous, I shall never forget the occasion. As one after another gave the last parting salute with friendly neighbors and loved ones, tears flowed freely. Nor shall I soon forget the noble words of cheer there spoken by the deceased to his friends and neighbors. He was not boastful; but, characteristically like a true and brave man, he expressed some fears that he might possibly fall in the terrible ordeal of battle; but, said he, I am resolved by the help of God to serve my country. How faithfully has he kept that resolve! On no occasion did he shrink from duty. I am told by those acquainted with his conduct, that his promotion to the Majorship of his Regiment was solely on account of his devotion to the service. But as he has yielded his life for his country, let us never forget his virtues or fail to cherish his memory. I second the resolution.

The resolution was unanimously adopted.

The Senate adjourned.

SENATE CHAMBER,
Des Moines, January 20th, 1864.

Senate convened at 10 o'clock A. M.
Prayer by Rev. J. M. Chamberlain.
Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Senator Udell presented a petition of citizens of Appanoose County asking that no change be made impairing the efficiency of the present Liquor Law. Laid upon the table.

Senator Merrill presented the claim of Dan A. Poorman, for making a diagram of Senate Chamber. Referred to the Committee on Claims.

INTRODUCTION OF BILLS.

By Senator McCrary of Lee, Senate File No. 51: A Bill for an Act to amend Chapter 98 of Revision of 1860, relating to Homesteads.

Bill was read first and second time, and laid upon the table and ordered printed.

Also, Senate File No. 52: A Bill for an Act appropriating money for the State Library.

Bill was read first and second time, and referred to Committee on Library.

By Senator Henderson, Senate File No. 53: A Bill for an Act supplementary to an Act legalizing the acts of the several County Boards of Supervisors in appropriating money for bounties for enlistments, and to provide for the relief of families of persons in the military service of this State or the United States, and to authorize the levy and collection of a special tax for the payment of the same; also, to legalize the levy of certain taxes heretofore levied, passed by the extra session of the Ninth General Assembly.

Bill was read first and second time, and referred to the Judiciary Committee.

By Senator Udell, Senate File No. 54: A Bill for an Act to locate the Executive Office, provide for official records, and fix the Governor's salary.

Read first and second time, and referred to Committee on Ways and Means.

By Senator Parvin, Senate File No. 55: A Joint Resolution instructing our Senators and Representatives in Congress upon the subject of Slavery.

Bill read first and second time, and referred to Committee on Federal Relations.

By Senator Woolson, Senate File No. 56: A Bill for an Act to abolish the office of Surgeon General of this State.

Bill read first and second time, and on motion, the 11th Rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutts, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—41.

The nays were, none.

Absent and not excused, Senators Burdick and Flauth.

The bill passed and its title was agreed to.

Also Senate File No. 57: A Bill for an Act providing for a more equal representation in the Board of County Supervisors.

Bill read first and second time, and laid on the table and ordered printed.

By Mr. Hunt, Senate File, No. 58: A Bill for an Act concerning division fences in certain cases.

Bill read first and second time, and referred to Committee on Agriculture.

By Mr. Cutts, Senate File, No 59: A Bill for an Act providing for the management and disposition of the permanent School Fund of the State of Iowa.

Bill read first and second time, and laid on the table and ordered to be printed.

By Mr. Saunders, Senate File No. 60: A Bill for an Act to amend an Act passed by the General Assembly of 1862, entitled An Act to amend and consolidate an Act passed by the Board of Education, December 24, 1859, entitled An Act to provide a system of Common Schools, and the amendment thereto.

Bill read first and second time, and referred to Committee on "Schools and School Lands."

By Mr. Shippen, Senate File No. 61: A Bill for an Act to authorize the Secretary of State, and his Deputy, to administer oaths and take acknowledgments.

Bill read first and second time, and referred to Committe on Judiciary.

The President announced that the time had arrived for the consideration of Special Order, Senate File No. 10, being a Bill for an Act in relation to the salary of certain officers, and to provide for contingent expenses.

On motion of Mr. Stubbs the Special Order was postponed until Monday, the 25th inst., at 11 o'clock, A. M.

The following message was received from the House of Representatives:

MR. PRESIDENT:—I am instructed to inform the Honorable Senate that the House of Representatives has passed the following concurrent Resolution, in which the concurrence of the Senate is respectfully asked:

Resolved, By the House of Representatives, the Senate concurring, that our Senators in Congress be instructed and our Representatives be requested to ask Congress to make an appropriation to survey and construct a Ship Canal around (what are designated) the upper and lower rapids of the Mississippi River, not only as a military necessity but incidentally as of vast importance to the agricultural and commercial interests of the North-West, and that a Committee of Correspondence of three be appointed, one from the Senate and two from the House, to confer with the Legislatures of Minnesota and Wisconsin, now in session, and ask their co-operation in the object, and that a copy of this resolution be sent to each of our Senators and Representatives in Congress.

JACOB RICH, Chief Clerk.

Mr. Patterson introduced Senate File No. 62: A Bill for an Act to repeal the 12th sub-division of Section 4,152, of the Revision of 1860, allowing fees to Justices of the Peace in certain cases.

Bill read first and second time, and referred to Judiciary Committee.

Mr. Stubbs offered the following concurrent Resolution, which was adopted:

Resolved by the Senate, the House concurring, That in addition to the number of copies of the Report of the Trustees and Officers of the "Iowa Hospital for the Insane" to be printed as fixed by Law, for the use of the members of the Legislature, there be printed an additional one thousand copies for the use of the officers of said Hospital.

The President presented a communication from the Clerk of the Supreme Court.

Referred to Committee on Judiciary.

Senator McCrary, from the Committee on Judiciary, submitted the following:

To the Senate of Iowa:—Your Committee on the Judiciary, to whom was referred Senate File No. 48: A Bill for an Act to provide for reporting the decisions of the Supreme Court, of this State, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

GEO. W. McCRARY, Chairman.

On motion, Senate File No. 48 was ordered on file to be printed.

Senator Henderson, from Judiciary, submitted the following Report:

The Judiciary Committee, to whom was referred Senate File No. 21: A Bill for an Act to provide for taking depositions to be used in trials in the County Court, have had the same under considera-

tion, and have directed me to report the annexed Bill as a substitute therefor, and recommend its passage.

Senate File No. 32: A Bill for an Act to amend Section 1, Chapter 109, of the Laws of the Eighth General Assembly, &c., in relation to relief of Volunteers, &c. We have had the same under consideration, and I am directed to report the annexed Bill as a substitute therefor, and recommend that the same be passed.

H. C. HENDERSON.

Senator Patterson, from the same Committee, submitted the following report:

Your Committee on Judiciary, to whom was referred Senate File No. 31, instruct me to report the following substitute, and recommended that it pass.

J. G. PATTERSON, Chairman.

Senator Crookham, from the same Committee, made the following report:

Your Committee on the Judiciary, to whom was referred Senate File No. 12: A Bill for an Act to amend Section 4726, Chapter 207, of Revision of 1860, beg leave to report that we have had the same under consideration, and direct me to report the following as a substitute, and recommend that it pass.

J. A. L. CROOKHAM, Chairman.

A minority of the Judiciary Committee reported a substitute for Senate File No. 31.

Senator Foote, from the Committee on Ways and Means, submitted the following:

MR. PRESIDENT:—The Committee of Ways and Means, to whom was referred Senate File No. 33: “A Bill for an Act to fix and provide for the salary of the Adjutant General, and to provide a contingent fund for said officer,” have had the same under consideration, and the following amendment is recommended, to-wit: strike out Section 2; which being done, its passage is recommended.

JOHN G. FOOTE, Chairman.

Senator Clarkson, from the Committee on Agriculture, submitted the following:

The Committee on Agriculture have had under consideration Senate File No. 11—“An Act to amend section 2193 of the Revision of 1860, relating to the bounty on scalps.” They have amended the Bill by reducing the bounty on wolf scalps from \$5 to \$3, and directed me to report the same back, with a unanimous recommendation that the bill pass as amended.

C. F. CLARKSON, Chairman.

Senator Hillyer, from the Committee on Roads, submitted the following report:

MR. PRESIDENT:—The Road Committee have instructed me to make the following report: The committee to whom was referred Senate File No. 34—A Bill for an Act to amend chapter 46 of the Revision of 1860, entitled “an Act to provide for the making and

repairing of public highways, and prescribing the duties of township officers in certain cases: I am directed to report the Bill back to the Senate and recommend that it do not pass.

L. W. HILLYER, Chairman.

By Senator Foote, from the Committee on Ways and Means:

MR. PRESIDENT: The Committee of Ways and Means, to whom was referred Senate File No. 49—"A Bill for an Act changing the rate of interest on warrants upon the State Treasurer"—have had the same under consideration; and I am instructed to report the accompanying Bill as a substitute and recommend its passage.

JOHN G. FOOTE, Chairman.

Senator Gray, from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined Senate File No. 39—"A Bill for an Act to repeal sections 4779 and 4780 of the Revision of 1860 and to provide a substitute therefor," and find it correctly engrossed.

G. W. GRAY, Chairman.

Senator Crookham, from Select Committee, to whom was referred Senate File No. 26, made the following report:

The committee of "legal gentlemen" to whom was referred Senate File No. 26, have had the same under consideration, and have instructed me to report the Bill back to the Senate, with the recommendation that it be considered in Committee of the Whole, and be made the special order of business for next Tuesday at half-past ten o'clock.

J. A. L. CROOKHAM, Chairman.

On motion of Senator Stubbs Senate File No. 39—A Bill for an Act to repeal sections 4779 and 4780 of the Revision of 1860, and to provide a substitute therefor—was re-committed to Judiciary Committee.

Senator Flauth was excused on account of sickness in his family.

On motion of Senator Saunders Senate File No. 36 was taken up, with the report of the committee thereon.

On motion of Senator McCrary, of Lee, the report was amended by making the time for special order at 7 o'clock P. M. instead of ten and a half o'clock A. M. of Tuesday next.

Senator Young moved to lay the Bill and report on the table. Motion lost.

Senator Parvin moved the indefinite postponement of the Bill.

On motion of Senator Dixon Senate adjourned.

SENATE CHAMBER,
Des Moines, January 21st, 1864.

Senate convened at 10 o'clock A. M.

Prayer by Rev. Thompson Bird.
Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Gue: A petition from Andrew J. Breeves and others, bona fide purchasers of land from the Trustees of the Agricultural College, asking that the sale be authorized and the title confirmed. Referred to Committee on Agriculture.

Also a petition from Suel Foster and W. D. Wilson, President and Secretary of Agricultural College, asking that Trustees be elected by the Legislature at its present session, and that the Board of Trustees be authorized to fill vacancies occurring by the failure of any trustee to qualify or to attend the sessions of the Board. Referred to the Committee on Agriculture.

By Senator Patterson: A petition from the citizens of Floyd County, asking for a more complete system of Township organization. Referred to Committee on Township and County Organizations.

By Senator Higin: A petition from the Board of Supervisors of Keokuk County, asking that lands belonging to the several counties of this State be exempted from taxation. Referred to Committee on Public Lands.

Also a petition from the same Board asking for a discrimination in favor of the manufacture of woolen fabrics. Referred to the Committee on Manufactures.

INTRODUCTION OF BILLS.

By Senator Woolson, Senate File No. 63: A Bill for an Act Supplemental to an Act of the 9th General Assembly relating to School Fund. Bill read first and second time and laid upon the table and ordered printed.

By Senator Udell, Senate File No. 64: A Bill for an Act to amend Chapter 175, Acts of Regular Session of the 9th General Assembly. Read first and second time and referred to Committee on Military Affairs.

By Senator Bassett, Senate File No. 65: A Bill for an Act providing for the auditing of the claims against the State incurred in the protection of the North-Western Frontier. Bill read first and second time and referred to Committee on Ways and Means.

By Mr. Crookham, Senate File No. 66: A Bill for an Act to create the office of County Assessor, and provide for his compensation. Bill read first and second time and referred to Committee on Township and County organizations.

By Senator Young, Senate File No. 67: A Bill for an Act to repeal Sections one (1) and two (2) of Chapter 189 of the Revision of 1860, and regulate the salary of County Treasurer and the com-

pensation of County Recorder. Bill read first and second time and referred to Committee on Township and County organizations.

Also Senate File No. 68: A Bill for an Act to amend Section 368 of Revision of 1860, relating to the capacity of certain persons to hold certain offices. Bill read first and second time and referred to Committee on Township and County organizations.

By Senator Gue, Senate File No. 69: A Bill for an Act to amend Chapter 67 of the Revision of 1860. Bill read first and second time and referred to Committee on Agriculture.

By Senator Hogin, Senate File No. 70: A Bill for an Act for the relief of certain citizens of Keokuk County. Bill read first and second time and referred to Committee on Claims.

On motion of Senator Hogin the Committee was empowered to send for persons and papers.

The following message was received from the House of Representatives:

Mr. President: I am directed by the House of Representatives to inform your honorable body, that the House of Representatives has adopted the following concurrent resolutions, in which your concurrence is respectfully asked:

Resolved by the House of Representatives, the Senate concurring, That 1000 additional copies of the Report of the Iowa Hospital for the Insane be printed for the use of the Institution.

WHEREAS, The construction of a Ship Canal connecting the great Lakes with the Mississippi is a work not only of vast National importance, but one in which the people of Iowa, of Minnesota, of Wisconsin, of Kansas and the country extending west of those States to the Pacific have a vast and paramount interest, therefore

Resolved by the House of Representatives, the Senate concurring, That our Senators and Representatives in Congress be requested to use their utmost influence to procure such a route for a Ship Canal connecting the Lakes with the Mississippi, and to urge such measures to accomplish the work as are justly due to the vast interests of the people of Iowa.

Resolved further, That the Governor of the State be requested to transmit the above resolution to the Executives of Minnesota, Wisconsin and Kansas, with such suggestions with regard to joint or several action, by memorial or otherwise, as he may deem best.

Also that the House has passed House File No. 5: A Bill for an Act to amend Chapter 161, of the laws of the 9th General Assembly, approved April 8th, 1862.

Also that the House has appointed Senators Russell of Jones, Moir, Sears, Johnson and Galland a Committee on the part of the House to act with a similar Committee on the part of the Senate, to take into consideration the expediency of the erection and endowment by the State of an Orphan Asylum for the support and education of the children of deceased soldiers, and other orphan children.

J. RICH, Chief Clerk.

RESOLUTIONS.

By Senator Knoll :

Resolved by the Senate, the House of Representatives concurring,
That all laws passed at the present session of the General Assembly, which are to take effect by publication, be published in the State Register and Iowa Statesman, newspapers published at the City of Des Moines.

Senator Brayton moved to amend by inserting "Iowa Homestead" in place of "Iowa Statesman."

Senator Woolson moved to lay the Resolution on the table.

Upon this motion Senator Jennings demanded the yeas and nays.

The yeas were Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—40.

The nays were Messrs. Jennings and Knoll—2.

Senator Henderson was absent, but not excused.

The Resolution was laid on the table.

Senator Brayton offered the following which was adopted :

Resolved, That the Postmaster be requested to keep open the Post Office from 9 o'clock A. M. to 12 o'clock M., from 2 to 5 o'clock P. M., and from 7 to 9 o'clock P. M. on each day of the present session, Sundays excepted.

Senator Young offered the following :

Resolved, That it is inexpedient at this time to make any radical change in the laws of the State, relating to the present system of county Government by Boards of Supervisors.

Senator Patterson moved to lay the resolution on the table.

Upon this question the yeas and nays were demanded.

The yeas were Messrs. Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Dixon, Hart, Hillyer, Hunt, Hatch, McCrary of Lee, Moore, McMillan, Merrill, Patterson, Ross, Saunders, Shippen and Udell—22.

The nays were Messrs. Burdick, Clark, Cutts, Foote, Flaugh, Gray, Gue, Henderson, Hogin, Hurley, Hesser, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Van Buren, Parvin, Stubbs, Wharton, Woolson and Young—21.

The Resolution was laid on the table.

Senator Gue offered the following resolution :

Resolved, That Senators Woolson of Henry, Hilsinger of Jackson, and Stubbs of Jefferson be added to the Committee on Township and County Organization.

Senator Udell moved to lay the resolution on the table.

Senator Gue called for the yeas and nays.

The yeas were Messrs. Brayton, Brown, Bridges, Clarkson, Dixon, Hart, Hillyer, Hunt, Jennings, McCrary of Lee, McMillan, Merrill, Ross, Sanders Stubbs, Shippen and Udell—17.

The nays were Messrs. Bassett, Burdick, Brunson, Boardman, Crookham, Clark, Cutts, Foote, Gray, Gue, Henderson, Hogin, Hurley, Hesser, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Van Buren, Moore, Patterson, Parvin, Wharton, Woolson and Young—26.

So the motion to lie on the table was lost.

The Resolution was adopted.

Senator McCrary of Van Buren, offered the following Resolution which was adopted:

WHEREAS, The State being involved in some difficulty in regard to the application made by the State of certain grants of land made to the State for purposes of Internal Improvement, viz : Des Moines River Grant; Grant of Lands for Rail Road Purposes ; and the Grant more recently made, known as the Indemnity Grant, and

WHEREAS, There seems to be a conflict between the grantees of the State, and other conflicting interests that nothing but legislation will reconcile, Therefore be it

Resolved by the Senate, That the Attorney General be requested to report to this Body at his earliest convenience, what legislation is necessary at this time to relieve the State and do justice to all parties having claims against, or growing out of any of these works of improvement, and such other information as he may deem necessary, touching the case.

Senator McCrary of Van Buren, offered the following :

Resolved by the Senate, That Senators Woolson, Foote and Hatch be added to the Special Committee on Des Moines River and other Land Grants, of which Senator Bassett is Chairman.

Senator Bassett offered the following as a substitute, which was adopted :

Resolved, That a Special Committee of seven on Land Grants shall be appointed, of which Senator Woolson of Henry county shall be Chairman, to whom all claims growing out of the Des Moines River Grant, and all matters pertaining to the conflicting claims of Railroad Companies shall be referred.

The President appointed Senators Woolson, McCrary of Van Buren, Shippen, Clarkson, Hatch, Henderson and Burdick, as such Committee.

Senator Henderson offered the following Resolution which was adopted.

Resolved, That the Committee on Military Affairs be, and hereby is, directed to enquire whether the volunteers in the 37th Iowa Regiment, commonly called the " Gray Beards," have ever received any Bounty from the Government, and if not why they have not, and what steps can or ought to be taken to secure such Bounty to them.

Senator Woolson offered the following:

Resolved, That the Senate hold two sessions each day, commencing to-day, beginning at 10 A. M. and 2 P. M., each day, until otherwise ordered.

On motion of Senator Stubbs, the resolution was amended by striking out the word "to-day" and inserting "Monday, the 23d inst."

The resolution, as amended, was adopted.

Senator Parvin, from the Committee on Enrolled Bills, submitted the following report:

Your Committee have examined Senate File No. 24: A Bill for an Act to define the times of holding Courts in the Third Judicial District, and find the same correctly enrolled.

J. A. PARVIN, Chairman.

On motion of Mr. Stubbs, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, JANUARY 22, 1864.

Senate convened at the usual hour.

Prayer by Rev. Thompson Bird.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Woolson: A petition from the members of the bar from the counties of Lee and Des Moines, asking that a contingent fund be allowed to District Judges.

Laid upon the table.

INTRODUCTION OF BILLS.

By Senator Stubbs, S. F. No. 71: A Bill for an Act providing for the payment of certain sums of money to the families of volunteers out of the County Treasury where the same reside, providing further raising of revenue for the same, and prescribing the manner in which payment shall be made.

Bill was read first and second time, and laid on the table to be printed.

By Senator Ross, S. F. No. 72: A Bill for an Act to amend section 3723 of the Revision of 1860.

Bill read first and second time, and referred to Judiciary Committee.

By Senator McJunkin, S. F. No. 73: A Bill for an Act to provide for a change of venue in certain cases.

Bill read first and second time, and referred to Judiciary Committee.

By Senator Woolson, S. F. No. 74: A Joint Resolution instructing our Representatives in Congress to procure the passage of an Act for the relief of mounted officers in the volunteer service of the United States.

Bill read first and second time, and referred to Committee on Military Affairs.

By Senator Burdick, S. F. No. 75: A Bill for an Act to repeal chapter 119 of the Laws of the Ninth General Assembly, and to provide for fixing the bonds of County Judges.

Bill read first and second time, and referred to Committee on Township and County Organization.

By Senator McCrary, of Lee, S. F. No. 76: A Joint Resolution of instructions to our Senators and Representatives in Congress, in relation to Pensions of widows of Chaplains in the Army.

Bill read first and second time, the 11th Rule was suspended, and the Bill read a third time.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillier, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMullan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippens, Udell, Wharton, Woolson, and Young—44.

The nays were, none.

The Bill passed, and its title was agreed to.

By Senator Hunt, S. F. No. 77: A Bill for an Act to prevent certain male animals from running at large.

Bill read first and second time, and referred to Committee on Agriculture.

By Senator Foote, S. F. No. 78: A Bill for an Act to repeal chapter 37 of the Laws of the Extra Session of the Ninth General Assembly.

Bill read first and second time, and was referred to Committee on Ways and Means.

By Senator Brayton, S. F. No. 79: A Bill for an Act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting.

Bill read first and second time, and laid on table and ordered printed.

Senator Burdick offered the following resolution, which was adopted:

Resolved, That a Standing Committee on Judicial Districts be appointed, of which Senator Hunt, of Clayton County, shall be Chairman.

Senator Ross offered the following resolution, which was adopted:

WHEREAS, A Bill is now upon the Secretary's table which provides for the increase of the compensation now allowed to certain State officers; and,

WHEREAS, It is important for the Senate to be fully advised as to the compensation now received by said officers; therefore,

Resolved, That the Secretary of State, the Auditor of State, the State Treasurer, the Register of the State Land Office, and the Secretary of the Board of Education, report to the Senate the whole amount of fees severally received by them, and upon what account received from the first day of January, A. D. 1863 up to the first day of January, A. D. 1864.

Senator McCrary of Lee, from the Judiciary Committee, submitted the following report:

MR. PRESIDENT:—The Committee on the Judiciary, to whom was referred Senate File No. 62—A Bill for an Act to repeal the 12th sub-division of section 4152 of the Revision of 1860, allowing fees to Justices in certain cases—have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Also Senate File No. 61—A Bill for an Act to authorize the Secretary of State or his Deputy to administer oaths and take acknowledgments—we have had under consideration, and have instructed me to report the same back and recommend its indefinite postponement.

Also Senate File No. 18—A Bill for an Act to increase the number of the Judges of the Supreme Court and for other purposes, and I am directed to report the same back and recommend its passage—Senator Jennings, of Dubuque, dissenting from this report.

Senate File No. 19—Bill for an Act to repeal section 2856 of the Revision of 1860, and to provide a substitute therefor—we have had under consideration, and I am instructed to report a substitute therefor and recommend its passage.

GEO W. MoCRARY, Chairman.

Senator Burdick, from the Judiciary Committee, submitted the following report:

MR. PRESIDENT: The Judiciary Committee to whom was referred Senate File No. 27—A Bill for an "Act to repeal chapter 132 of the laws of the 8th General Assembly"—have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

M. V. BURDICK.

Senator Henderson, from the same committee, submitted the following report:

The Judiciary Committee, to whom was referred Senate File No. 42—A Bill for an Act amending section 3980 of chapter 159 of the Revision of 1860—have had the same under consideration, and a majority of the committees have instructed me to report the annexed substitute therefor, and recommend its passage.

Also Senate File No. 53—An Act supplemental to an Act providing for payment of bounties, &c. I am directed to report the same back to the Senate and recommend that the same be passed.

H. C. HENDERSON, for Judiciary Committee.

Senator Crookham, from the same committee, submitted the following report :

Your committee, to whom was referred Senate File No. 13—A Bill for an Act to repeal chapter 72 of the Session Laws approved February 5th, 1851, to prevent free persons of African descent to reside in the State of Iowa—beg leave to report that they have given the subject a careful consideration, and would herewith report a substitute and recommend its passage.

Senator Ross, from the Committee on Judiciary, submitted the following report :

The Judiciary Committee, to whom was referred the petition of Jonathan Jones, have had the same under consideration, and have instructed me to present the following report and accompanying Bill : Senate File No. 80—A Bill for an Act granting certain powers to the District Court of Lee county and relief thereby to Jonathan Jones.

Your committee find that in July, 1856, the petitioner Jones was one of the sureties of James D. Eads, then Superintendent of Public Instruction, on the second bond of said Eads ; that about this time Jones becoming alarmed for his safety as such surety, proceeded under the provisions embraced in chapter 41, Rev. 1860, to procure his release.

The evidence of this proceeding is contained in the Executive Register, and is in the following words and figures :

July 15, 1856.

In the matter of the application of Jonathan Jones, one of the sureties of James D. Eads, Superintendent of Public Instruction, to be released from further liability on the bond of said Eads, having heard the allegations and proofs of said Jones, and it appearing that due notice had been served on said Eads and default made by him to appear and answer the charges made by said Jones,

Now, therefore, by the authority of the laws of the State of Iowa, I do hereby require and order the said James D. Eads, as Superintendent of Public Instruction, to give a new bond and to supply the place of said Jones on said bond, on or before the first day of August next.

JAMES W. GRIMES.

Your Committee cannot find that any order was made by the Governor upon the failure of Eads to file the new bond required of him, and to supply the place of said Jones, and they believe, from information, that no new bond was ever filed, and that no order vacating the office was ever made upon the default. Afterwards, to-wit: on the third day of March, 1857, upon the application of one Van Valkenburg, a surety on the third bond of Eads,

the latter was removed by the Governor. From the testimony presented to the Committee, it appears that the entire default of Eads, except about \$600, accrued after the first day of August, 1856, and after the time when the Governor, upon the default of Eads, might have declared the office vacant, and Jones released from further liability on the bond.

Some time in May, 1860, a judgment was rendered in the Lee District Court on the second bond, and against Jones as surety thereon, for the sum of \$25,000. Before the trial, however, Jones seems to have exercised some diligence to procure a copy of the entry in the Executive Register, to be used in evidence in his behalf. It appears from his sworn statement, that he first employed some one to examine the Executive Register, and was informed by that person that he had made personal examination and could find no such entry, and that no such entry had been made; that he next applied to the Governor in person, but the Governor seemed to have forgotten the facts in the case; and that he next applied to the Secretary of State, the keeper of said Registry, for a copy of said entry, if any existed, but got no answer from him; and finally, that having come to the conclusion that no such entry had been made, he agreed with the counsel for the State to receive the affidavit of Gov. Grimes, to be thereafter procured, as evidence equal to the record of the facts which he should state, but that to his surprise, the Governor's statements tended to show that no order had ever been made on the application of Jones to be released.

The evidence upon this very material point being in this condition the trial was had, and the aforesigned judgment rendered without offering any opinion as to whether the entry on the Executive Register would, if offered in evidence, have occasioned a different result. Your Committee believe that the prayer of the petitioner should be granted. From his sworn statements your Committee find that it was not, until more than one year after the rendition of the judgment, that Jones discovered that the entry of his application to be released, and the order thereon was a fact spread upon the Executive Register. By this time his right to apply for a new trial had elapsed, and he was remediless.

The prayer of the petition for the passage of an Act to enable him to apply to the District Court of Lee County, in the cause therein tried, wherein the aforementioned judgment was rendered against him for a new trial.

Your Committee are fully impressed with the belief that in recommending the passage of the accompanying Bill they do an act of justice to the petitioner, and at the same time cast the responsibility upon the District Court of determining whether or not a new trial, as prayed for, should be granted.

Senator Dixon, from the Committee on Claims, submitted the following report:

Committee on Claims beg leave to report that they have had

under consideration the claim of Geo. W. Camp of the First Iowa Cavalry, which is a claim for the value of a horse that died while said Regiment of Cavalry was at Burlington, Iowa, and before it was mustered into the service of the United States. George W. Camp now memorializes the Legislature to pass a Special Act allowing him the value of this horse. The Committee on Claims, in view of the fact that the First Regiment of Cavalry were permitted to furnish their horses, for the use of which they received pay, would recommend that no such Act be passed, as they believe the State should not pay for the value of horses in such cases.

Also that on the claim of Dan A. Poorman, for making diagram of Senate Chamber for Lieut. Gov. Eastman's use, your Committee recommend that the sum of six dollars be allowed.

J. W. DIXON, Chairman.

Senator Patterson, from Committee on Township and County Organization, submitted the following report:

Your Committee on Township and County Organization, to whom was referred Senate File No. 36—A Bill for an Act to amend section 2, chapter 173 of the Acts of the Ninth General Assembly in relation to City and Town Assessors— instruct me to report the same back and recommend its passage.

Also, to whom was referred Senate File No. 37—An Act to amend section 5, chapter 163 of the Ninth Session of the General Assembly fixing the per diem of Road Supervisors— instruct me to report the Bill back and recommend its passage.

Also, to whom was referred Senate File No. 7—A Bill for an Act to change the time of holding County Courts in April and August— instruct me to report the bill back and recommend its passage.

J. G. PATTERSON, Chairman.

Senator Bridges, from the same Committee, submitted the following report:

MR. PRESIDENT :—The Committee on Township and County Organization, to whom was referred Senate File No. 66, have had the same under consideration, and have directed me to report the same without amendment, and recommend that the bill be indefinitely postponed.

G. C. BRIDGES, Chairman.

Senator McJunkin from Committee on Incorporations, submitted the following report :

Your Committee on Incorporations, to whom was referred Senate File No. 9 : A Bill for an Act to amend Chapter 53 of the Revision of 1860, entitled, "Corporations, other than those for pecuniary profit," have had the same under consideration, and we recommend that the bill do pass without amendment.

J. F. MCJUNKIN, Chairman.

The following message was announced from His Excellency, the Governor, by R. G. Orwig, his private Secretary :

EXECUTIVE OFFICE,
Des Moines, January 22d, 1864. }

Gentlemen of the Senate and House of Representatives:

I herewith transmit to your honorable body the report of Edward Johnstone, Joel C. Walker and Edward A. Layton, Commissioners appointed by Chapter 16, Acts of the Special Session of the Ninth General Assembly, to lease, on behalf of the State, the labor of the convicts in the Penitentiary.

This report shows that, in discharge of the duties assigned them by said act, the Commissioners advertised for sealed proposals, by publishing notices in newspapers, and distributing printed hand-bills through the county; and that under the notice so given, only two bids were received, neither of which, in their opinion, was of such a character as would have been for the interest of the State to accept.

The existing lease of convict labor to Winterbotham & Jones will expire in June next, and it therefore becomes important that some definite arrangements should be adopted during your session for employing the convicts after that time.

It has been suggested to me by persons well acquainted with the condition and affairs of this institution, and who are anxious that the interests of the State should be properly guarded in the matter, that it would be more expedient to retain a considerable number of the convicts, and employ them in carrying out certain repairs and improvements rendered necessary to the present and prospective wants of the institution, than to hire them out before this work is done. A brief examination of the subject has impressed me favorably with this suggestion, and I respectfully submit it to your consideration.

Up to this time, for reasons unnecessary now to be enumerated, the State has derived no advantage whatever from the existing lease of convict labor, and, unless a contract can be secured upon more favorable terms and conditions, it would, in my opinion, be advisable to retain the convicts, or a large number of them, in the employ of the State, until these projected improvements are completed.

You will perceive from the report of the Warden, that there are at this time eighty convicts only in the prison, an unusually small number in proportion to the population of our State, and rendered so by causes which will be apparent to all. The number of cells in the entire building is 160, which, at former periods, have been filled, and with a surplus of convicts on hand without sufficient or safe quarters. We may reasonably anticipate that the present state of things will not long continue, and that we shall, in a very few years, have an increase of convicts entirely beyond the present capacity of the prison to accommodate.

By adding another story to the main building, so as to furnish space for two more tiers of cells, and erecting suitable buildings for a hospital and for the Warden, the institution will be sufficiently enlarged to accommodate nearly 400 convicts. In the prosecution of this work, convict labor can be advantageously employed, and thus materially reduce the expense.

To my mind, these considerations render it necessary that immediate steps be taken for improving the buildings; and the public interests may be seriously prejudiced by delaying the matter until another General Assembly may convene.

Believing this subject to be of immediate importance, and in view of the necessity of obtaining the most direct and reliable data, as a basis for any action you may deem it wise to take in relation to it, I would suggest the appointment of a joint committee of three or more practical gentlemen, members of your honorable body, with instructions to proceed forthwith to Fort Madison, and carefully examine the matters herein adverted to, and report the information thus obtained for your consideration.

W. M. STONE.

Senator Parvin was granted leave to present the following communication from the Board of Control of the Sanitary Commission.

To the Honorable Senate of the Iowa Legislature :

The Board of Control of the Iowa Sanitary Commission, now in session, have adopted the following Resolution :

Resolved, That the Senate be respectfully requested to appoint a Committee upon Sanitary affairs, and that said Committee be requested to meet the Board of Control of the Iowa Sanitary Commission and a similar committee already raised by the House of Representatives, to-day at 2 o'clock P. M.

The President appointed Senators Parvin, Hurley, McCrary of Lee, Gray and Shippen, as a special committee on Sanitary Affairs.

Senate File No. 3 : A Joint Resolution asking Congress to increase the pay of non-commissioned officers and privates in the service of the United States, was taken up, and the amendments of the House of Representatives read, and on the question "shall the amendment be concurred in?"

The yeas were, Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Heeser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McOrary of Lee, McOrary, of VanBuren, Moore, McMullan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—44.

The nays were none.

The amendment was concurred in : ,

House File No. 5 : A Bill for an act to amend Chapter 181 of the Laws of the Ninth General Assembly, approved April 8th, 1862, was taken up, read a first and second time, and referred to Committee on Charitable Institutions.

The messages from the House of Representatives were taken up, and that in relation to printing Reports of the Hospital for the Insane, was referred to Committee on Charitable Institutions.

The two concurrent resolutions relating to the Ship Canal and Rapids Improvement, were both referred to the Committee on Internal Improvements, with the following instructions :

" That the Committee report a Joint Resolution embracing both the Ship and Rapids Canal and instructing our Senators and requesting our members of Congress to give their first and most earnest attention to the Rapids Canal."

The Resolution complimenting Governor Kirkwood for the able manner in which he discharged his duty as Chief Executive of the State, was referred to the Committee on Federal Relations.

The Concurrent Resolution requiring certain reports from the Colonels of all Iowa Regiments, was adopted.

The House Joint Resolution relating the employment of discharged soldiers by the General and State Governments, was adopted with the following amendment, offered by Senator McCrary of Lee:

Resolved, That the Secretary of State furnish each member of Congress from this State with a copy of the Resolution, and that he also send a copy to each of the heads of departments at Washington.

On motion of Senator Foote, Senate File No. 49 : A Bill for an Act changing the rate of interest on warrants of the State Treasury, with the Substitute reported by the Committee on Ways and Means January 20, 1864, was taken up and the Substitute was adopted.

The Bill was read a third time, and on the question " shall the Bill pass ? "

The yeas were Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillier, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippenn, Udell, Wharton, Woolson and Young—43.

The nays were none.

The bill passed and its title was agreed to.

On motion of Senator Henderson Senate File No. 58 : A Bill for an act supplemental to an act to legalize appropriations made by the Boards of Supervisors for the payment of bounties for enlistments, and for the support of families of persons in the military service of this State and of the United States, and to authorize the levy and collection of a special tax for the payment of the same, also to legalize the levy of certain taxes heretofore levied, passed

at the extra Session of the Ninth General Assembly, was taken up; and on motion of Senator Udell was referred to Committee on Ways and Means.

Senator Merrill was excused until Monday next.

On motion of Senator Dixon, Senate File No. 2 : A Bill for an act authorizing the Clerk of Boards of County Supervisors to give the casting vote in case of a tie, was taken up.

On motion of Senator Young the Senate adjourned.

SENATE CHAMBER,
Des Moines, January 23d, 1864.

Senate convened at 10 A. M.

Prayer by Rev. Thompson Bird.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Gue: A petition of John Lardner and others, praying for the passage of a law allowing married persons, who live apart from each other, a divorce by paying \$5 into District Court of their county, and having a record made of the same. Referred to Judiciary Committee.

By Senator Gue: A petition of Wm. M. Murray and others praying that all crops of grain growing in the field be exempt from execution until the same be fit for harvest, &c., &c. Referred to Judiciary Committee.

By Senator Hatch: A petition of Thomas F. Withrow, P. M. Casady and others, praying for appropriation to pay contingent expenses of the Judges of the District and Supreme Courts. Laid on the table.

By Senator Clarkson: A memorial of the Board of Trustees of the Iowa State Agricultural College praying that the 240,000 acre grant made by Congress to the State of Iowa for agricultural and mechanical purposes, be placed under the control of the Board for the use of the Agricultural College: also asking an appropriation to erect College buildings, &c. Referred to Committee on Public Buildings.

By Senator McJunkin: A petition from John D. Young and others, asking the passage of a law authorizing the levy of a tax for the support of needy families of soldiers in this State. Referred to Committee on Charitable Institutions.

Senator Dixon presented the claim of Charles Fitch for \$191,00 for services as Assistant Surgeon, &c. Referred to Committee on Claims.

INTRODUCTION OF BILLS.

By Senator Patterson, Senate File No. 81: A Bill for an Act providing for the formation of the 12th Judicial District, and fixing the terms of holding the Courts in the 10th and 11th Judicial Districts, and providing for the election of a District Judge and District Attorney in the 12th Judicial District. Bill read first and second times and laid on the table and ordered to be printed.

By Senator Cutts, Senate File No. 82: A Bill for an Act to amend Section 4394 of the Revision of 1860. Bill read first and second times and referred to Judiciary Committee.

By Senator Hesser, Senate File No. 83: A Bill for an Act to authorize the release of Homesteads of certain widows from delinquent taxes. Read first and second times and referred to a Committee on Ways and Means.

By Senator Foote, Senate File No. 84: A Bill for an Act to authorize the State Treasurer to purchase a safe, and dispose of the old one. Bill read first and second times—11th rule suspended and read third time, and on the question “shall the bill pass,” the yeas were:

Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—42.

The nays were, none.

The Bill passed and its title was agree to.

Senator Parvin from Committee on Enrolled Bills submitted the following:

Your Committee have examined Senate File No. 22, entitled an Act detaching the County of Cass from the Third Judicial District and annexing the same to the Fifth Judicial District, and find the same correctly enrolled.

Also Senate File No. 23, entitled “An act fixing the times of holding Court in the County of Cass in the Fifth Judicial District,” and find the same correctly enrolled.

Respectfully submitted,

J. A. PARVIN, Chairman.

By Senator Patterson, Senate File No. 85: A Bill for an Act to provide for the compensations of printers for publishing legal notices in certain cases. Read first and second times and referred to Judiciary Committee.

By Senator Clarkson, Senate File No. 86: A Bill for an Act making appropriation and directing the erection of an Agricultural College. Bill read first and second times and laid on the table and ordered to be printed.

By Senator King, Senate File No. 86: A Bill for an Act to restrain domestic animals. Read first and second times and referred to Committee on Agriculture.

On motion of Senator Woolson, Senate File No. 4 was taken up and referred to Committee on County and Township Organization.

Senator Woolson offered the following resolution, which was adopted:

Resolved, That the order of business as provided in the Senate Rules, be amended by adding after the third reading of Bills, a new order, as follows:

"8. Messages from the House, in the order in which they are received."

"9. Reports of Committees not previously acted on to be taken up in the order of their presentation, and then change the remaining numbers to correspond."

Add the following after the several numbers:

"When the order of business has not been gone through with for two days in succession, the President shall, after the presentation of petitions and memorials, commence with the business in order at the adjournment on the preceding day."

Resolved, That the Secretary procure printed slips containing the "order of business," as above amended, to insert in the printed rules of the Senate.

The resolutions were adopted.

REPORTS OF COMMITTEES.

Senator Foote, from the Committee of Ways and Means, made the following report:

MR. PRESIDENT:—The Committee of Ways and Means, to whom was referred Senate File No. 54: "A Bill for an Act to locate the Executive Office, provide for official records, and to fix Governor's salary," have had the same under consideration, and have instructed me to report the same back, without amendment, and recommend its passage.

JOHN G. FOOTE, Chairman.

Senator Brayton, from the Committee on Elections, made the following report:

The Committee to whom was referred Senate File No. 25, have instructed me to report the same back to the Senate, and recommended its passage.

J. M. BRAYTON, Chairman.

Senator Hurley, from the Committee on Library, made the following report:

The Library Committee, to whom was referred Senate File No. 52: A Bill for an Act appropriating money for the State Library, have had the same under advisement, and have instructed me to

make the following amendment thereto, to-wit: This Act being deemed by the General Assembly of immediate importance, shall be in force from and after its publication in the Daily State Register and the Iowa Homestead, newspapers printed in Des Moines, Iowa; and recommend that the Bill so amended be passed.

HURLEY, Chairman.

Senator Cutts, from Special Committee, made the following report:

The Special Committee, to whom was referred Senate File No. 38, being "A Bill for an Act fixing the times for holding Courts in the Sixth Judicial District," have had the same under consideration, and directed me to report the accompanying substitute, with a recommendation that the same be passed.

M. E. CUTTS, Chairman.

Senate File No. 2, was taken up.

Senator Stubbs offered the following amendment to Section 1st: "And shall vote on no question wherein he may be personally interested."

Amendment lost.

On motion of Senator Knoll, the Bill was indefinitely postponed.

On motion of Senator Cutts, Senate File No. 38: A Bill for an Act fixing the time for holding Courts in the Sixth Judicial District, together with the substitute reported by Special Committee, was taken up and the substitute adopted.

The Bill was read a third time, and on the question, "shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young —38.

The nays were, none.

Absent but not excused were, Senators Burdick, Henderson, Hurley and King.

The following message was received from the House of Representatives:

MR. PRESIDENT:—I am instructed by the House of Representatives to inform your honorable body that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested:

Resolved by the House, the Senate concurring, That a Joint Committee of five from the House and five from the Senate be appointed to confer in relation to preparing a bill to provide for the relief of the families of soldiers from this State in the service of the United States.

Also, that the House has passed the following:

Resolved by the House of Representatives, the Senate concurring,
That there be a committee of two members appointed upon the part of the House and one member on the part of the Senate, to visit the Lunatic Asylum at Mt. Pleasant, and examine into its condition and wants, and report by the 10th of February next.

In which, the concurrence of the Senate is respectfully asked.

Also, that the House has passed House File No. 14, a Bill for an Act to legalize the action of the Board of Supervisors of Johnson County.

Also, the accompanying concurrent resolution relating to swamp lands, in which the concurrence of the Senate is respectfully asked:

Resolved by the House of Representatives of the State of Iowa, the Senate concurring, That our Representatives in Congress be requested and our Senators instructed to use their most earnest efforts with the Commissioner of the General Land Office, and with the Secretary of the Interior, to secure a full recognition of the right of the State of Iowa to indemnity for all swamp lands disposed of by the General Government since September the 28th, A. D. 1850.

Resolved, That should their efforts with the Commissioner and Secretary prove to be unsuccessful in securing a full recognition of the right of the State to a full compensation for these lands ; they are hereby earnestly requested to use their strongest efforts to secure, as speedily as possible, the passage of a law by Congress guaranteeing and securing to the State her indemnity for all swamp lands sold by the Government within the State since September 28, A. D. 1850.

Resolved, That our Representatives in Congress be further requested and our Senators instructed to secure the passage of an Act approving of the selections made by the proper State and County Agents of this State of swamp land forwarded to the General Land Office, and also secure indemnity for swamp lands in those counties where selections have not been made.

Resolved, That a copy of these resolutions be immediately forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

Also the accompanying concurrent resolution :

Resolved by the General Assembly of the State of Iowa, That we view with pride and admiration the patriotism manifested by those who have gone from our State to battle for the Union ; the heroism they have displayed, the patience and resignation with which they have endured the hardships and sufferings incident to soldier life ; that we deeply mourn the loss of those who have fallen, tender our sympathies to the sick and wounded, and while we earnestly hope and pray for a continuance of their success in the field, we pledge to them and to the bereaved ones at home a continuance of our sympathy and support ; that we will hail with joy the day when

our country being restored to its accustomed peace and quiet they shall return to enjoy the blessings their valor has won.

Resolved, That the Adjutant General be and hereby is instructed to communicate the foregoing to our officers and soldiers in the field.

JACOB RICH, Chief Clerk.

On motion of Mr. Udell, the message of the House in reference to the appointment of a Committee to visit the Lunatic Asylum, was taken up.

Senator Stubbs moved to amend by inserting "two" instead of "one" member from the Senate.

Senator Jennings called for the yeas and nays.

The yeas were, Senators Bassett, Brunson, Crookham, Dixon, Gray, Hogin, Hurley, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Ross, Roberts, Saunders, Stubbs, Woolson, and Young—17.

The nays were, Senators Burdick, Brayton, Boardman, Brown, Bridges, Clarkson, Clark, Cutts, Foote, Gue, Hart, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Henderson, Jennings, Knoll, King, Moore, Patterson, Parvin, Shippen, Udell, and Wharton—26.

The amendment was lost.

Senator Gue called for the yeas and nays on the final passage of the resolution.

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Clarkson, Crookham, Dixon, Foote, Hogin, Hurley, Hillyer, Hunt, Hatch, Jennings, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, and Woolson—28.

The nays were, Senators Brown, Clark, Cutts, Gray, Gue, Hart, Henderson, Hesser, Hilsinger, Knoll, King, Parvin, Wharton, and Young—14.

The Resolution was adopted.

On motion of Senator Young, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, Monday, Jan. 25th, 1864.

Senate convened at 10 o'clock, A. M.

Lient. Gov. Eastman in the Chair.

Prayer by Rev. D. N. Smith.

Journal of Saturday read and approved.

On motion of Senator Saunders, Senator Henderson was granted leave of absence for a few days, on account of sickness.

PETITIONS.

By Senator McCrary, of Lee: The petition of the Mayor and Common Council of the city of Keokuk, asking for the repeal of the present Liquor Law, and the enactment of a License Law.

Laid on the table.

By Senator Brunson: Petition of citizens of Fayette county, asking a law restraining certain stock from running at large in villages and unincorporated towns.

Referred to the Committee on Agriculture.

By Senator McCrary, of Lee: The memorial of J. C. Walker, embracing claim against the Des Moines River Improvement.

Referred to the Special Committee on the Des Moines River Improvements, of which Senator Woolson is Chairman.

INTRODUCTION OF BILLS.

By Senator Knoll, Senate File No. 88: A Bill for an Act for laying out private roads.

Read first and second times, and referred to Committee on Roads and Highways.

By Senator Gue, Senate File No. 89: A Bill for an Act to prohibit the circulation of foreign bank bills in this State.

Read first and second times, and referred to Committee on Banks, and the usual number of copies ordered printed.

By Senator Brunson, Senate File No. 90: A Bill for an Act regulating the construction of mill-dams, and to facilitate the passage of fish up the rivers and other streams of this State.

Read first and second times, and referred to Committee on Agriculture.

By Senator Hilsinger, Senate File No. 91: A Bill for an Act providing for the election of Township Collectors, and for the better collection of taxes.

Bill was read first and second times.

Senator Woolson moved to refer the Bill to the Committee on Township and County Organization.

Senator Dixon moved to lay the Bill upon the table.

On demand of Senator Jennings the yeas and nays were called.

The yeas were, Senators Burdick, Brunson, Brown, Bridges, Clarkson, Clark, Dixon, Hart, Hillyer, Hesser, McMillan, Patterson, Udell and Young—14.

The nays were, Senators Bassett, Brayton, Boardman, Crookham, Cutts, Foote, Gray, Gue, Hogin, Hurley, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton, and Woolson—28.

The motion to table was lost.

Senator Dixon moved to postpone the further consideration of the Bill until July 4th, 1864.

The President announced the arrival of the hour for a special order, being Senate File No. 10—A Bill for an Act in relation to the salaries of certain officers, and to provide for contingent expenses.

On motion of Senator McJunkin, the special order was postponed until Tuesday 26th inst., at 2 o'clock P. M.

Senator Woolson raised the following point of order upon the motion of Senator Dixon; that a motion to postpone until the 4th day of July, 1864, was equivalent to a motion to indefinitely postpone, and that a motion to refer takes precedence of such a motion.

The point of order was sustained by the President.

The motion to refer prevailed.

Senator Stubbs, from Committee on Charitable Institutions, introduced Senate File No. 92—A Joint Resolution appointing Trustees of the Hospital for the Insane.

Resolution read first and second times, the 11th rule suspended, the resolution read a third time, and on the question, "Shall the resolution pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—40.

The nays were, none.

The resolution passed.

Senator Udell offered the following resolution:

Resolved by the Senate, the House of Representatives concurring,
That the State Printer be, and he is hereby required to furnish the State Binder with 250 copies of all documents, in pamphlet form, printed at this Session, for the use of the House and Senate, or the General Assembly, provided the same can be had without re-publication, who shall cause the same to be bound in one volume, with leather backs and tips, and pasteboard sides, and that one copy shall be delivered to each member and officer of this General Assembly, ten copies to the State Historical Society, ten copies to the State Librarian, and the remainder deposited in the office of Secretary of State; *Provided, however,* That the cost of binding shall not exceed fifty cents per copy.

Adopted.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

Memorial of John Garaghty, of Webster county, asking that he be allowed fees for certain services.

Mr. Bassett moved to indefinitely postpone the memorial.

On motion of Mr. Roberts, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at two o'clock, P. M.

On motion of Mr. Stubbs, the memorial of John Garaghty was referred to the Committee on Claims.

Memorials from the "Board of Control of the Iowa Sanitary Commission," relating to the relief of the families of soldiers in the United States service, and for appropriations for Sanitary purposes, were read, and on motion of Senator McCray, of Lee, referred to the Committee on Sanitary Affairs, of which Senator Parvin is Chairman.

A memorial from the "Board of Control of the Iowa Sanitary Commission," relating to the appointment and duties of a Surgeon General of the State, was read and referred to the Committee on Military Affairs.

The following communications in response to the resolution of Senator Ross, calling for information, were read and laid on the table:

Hon. E. W. EASTMAN, *President of the Senate*:—I have the honor to acknowledge the receipt of a resolution passed by the Senate on the 22d inst., asking for the amount of fees received in certain State offices. There are no fees of any kind or description received in this office.

WM. H. HOLMES,
State Treasurer.

Des Moines, Jan. 25, 1864.

STATE OF IOWA,
OFFICE OF SECRETARY OF STATE.

To the Hon. Senate of the State of Iowa:

The undersigned, Secretary State, in obedience to the annexed "Preamble and Resolution," has the honor to report to your honorable body, that under section 4133, Revision 1860, "The Secretary of State may take the following fees in addition to his salary:

"For making out each commission for a Comm'r of deeds, \$1.00.

"For copy of laws or records upon the request of any private person or company, for every one hundred words, 10 cents.

"For recording articles of incorporation, for each one hundred words, 10 cents.

"For certificate and seal, \$1.00."

Since the first day of January, 1863, up to the first day of January, 1864, the undersigned has made out twenty-one commissions for Commissioners of Deeds, the greater part of which have been paid for.

The undersigned has made quite a number of transcripts of records for private persons and companies, but he has kept no account of fees received for the same.

Neither has there been an account kept of fees received by the Secretary of State for recording articles of incorporation, or for

"certificate and seal." Many of the articles of incorporations have been recorded for churches, some of which have paid half price, and some have paid nothing. I regret that I am unable to furnish the Senate with the information desired. The undersigned may be thought to be negligent, in not keeping an account of such fees, but from the language of the law, he did not understand it to be his duty so to do, hence no account has been kept. It may be proper for me to remark that I have in some cases received compensation for services which the law did not require me to perform, which compensation was cheerfully paid by the parties for whom service was rendered; such services being outside of the ordinary duties imposed upon this office by law.

All of which is respectfully submitted.

JAMES WRIGHT, Sec'y State.

WHEREAS, A bill is now upon the Secretary's table which provides for the increase of the compensation now allowed to certain State officers ; and

WHEREAS, It is important for the Senate to be fully advised as to the compensation now received by said officers ; therefore,

Resolved, That the Secretary of State, the Auditor, the State Treasurer, the Register of the State Land Office, and the Secretary of the Board of Education, report to the Senate the whole amount of fees severally received by them, and upon what account received, from the first of January, A. D. 1863, up to the first of January, A. D. 1864.

STATE LAND OFFICE, .
Des Moines, Iowa, Jan, 25, 1864. }

To the Hon. Senate of the State of Iowa:

In response to your resolution requesting certain officers to report amount of fees received, &c., served upon me to-day, I have the honor to submit the following statement:

By section 101, page 20, Revision 1860, the Register is required to furnish certified copies of *Documents* in his office for a reasonable compensation, and to keep an account, and pay the same over to the State Treasury quarterly.

The only transcripts coming within said section, furnished from this office from the 5th of January, 1863, the day that my term commenced, to the first of January, 1864, were certified copies of two patents, for which a fee of \$1.00 each was charged, but neither of said charges has ever been paid.

There has been received, however, for services rendered in this office, compensation over and above the regular salary, as follows, to-wit: For making out certificates, canceling a patent erroneously issued, and issuing a new one, and correcting the records of this office, all of which was made necessary, and caused by a mistake of the Clerk of the District Court of Mahaska county, \$5.00.

For furnishing information and lists of lands to various parties,

amounting in the aggregate to \$10.50. Total amount received, \$15.50.

Very respectfully submitted,

J. A. HARVEY, Register.

OFFICE OF SECRETARY OF THE BOARD OF EDUCATION, }
Des Moines, January 23d, 1864. }

GENTLEMEN OF THE SENATE: In answer to your resolution of the 22d inst. asking for a report of the amount of fees received by the incumbent of this office, I would state that no fees have been received since the office came into my hands, April 1st, 1863.

Very respectfully,

ORAN FAVILLE,
Sec'y Board of Education.

REPORTS OF COMMITTEES.

Senator Foote from Committee on Ways and Means submitted the following report:

MR. PRESIDENT: The Committee of Ways and Means to whom was referred Senate File No. 78, "A Bill for an Act to repeal Chapter 39 of the Laws of the Extra Session of the 9th General Assembly," have considered the same, and have instructed me to report the same back, without amendment, and recommend its passage.

Also Senate File No. 53, "A Bill for an Act supplemental to an Act entitled an Act to legalize appropriations made by the Boards of Supervisors for the payment of bounties for enlistments, and for the support of families of persons in the military service of the United States or of this State, and to authorize the levy and collection of a special tax for the payment of the same, also to legalize the levy of certain taxes heretofore levied," passed at the Extra Session of the 9th General Assembly, have had the same under consideration, and the majority of the Committee instructed me to report it back, and recommend its indefinite postponement.

JOHN G. FOOTE.

Senator Clarkson from the Committee on Agriculture, submitted the following:

The Committee on Agriculture, to whom was referred a petition from D. Stanton and other citizens of Prairie Township, Mahaska County, praying "that the benefits of the hog law be extended to such townships as may accept the same by majority vote," have considered the same, and believing that it would lead to additional local difficulties, without corresponding benefits, deem it inexpedient to grant the prayer of the petitioners.

The Committee have also had under consideration Senate File No. 43: An Act for taxing dogs, and encouraging the raising of sheep.

I am directed by the Committee to report it back, and deeming it inexpedient to pass the same, recommend that said bill be laid on the table.

The Committee have carefully considered Senate File No. 69 : A Bill to amend chapter 67 of the Revision of 1860.

Having made two amendments to said bill, I am directed to report the bill back with a recommendation that the bill pass as amended.

C. F. CLARKSON, Chairman.

Senator Stubbs, from the Committee on Charitable Institutions, submitted the following :

The Committee on Charitable Institutions, to whom was referred Senate File No. 46, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do not pass.

The Committee, to whom was referred the concurrent resolution passed by the House, ordering one thousand additional copies of the report of the "Iowa Hospital for the Insane," to be printed for the use of the Institution, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the Senate concur.

The Committee on Charitable Institutions, to whom was referred the Governor's message, and accompanying report, in relation to the leasing and employment of convict labor in the Penitentiary, at Fort Madison, have had the same under consideration, and a majority of said Committee have instructed me to report that they deem it advisable for a Committee, as recommended in said message, to be appointed, and proceed to make a critical examination of the Penitentiary, premises, and condition of convicts, and report at as early a day as possible; and ask that the following resolution be adopted:

Resolved by the Senate, the House concurring, That a Committee of two, on part of the Senate, and a like number on part of the House, be appointed to proceed to Fort Madison, and view the penitentiary and premises connected therewith, and to inspect the condition of the same and the condition of the convicts, and to report to the General Assembly the expediency of enlarging the building and the leasing or employing the convicts, by the 10th day of next month.

D. P. STUBBS, Chairman.

By Senator Hatch :

Your committee to whom was referred a memorial of the Board of Trustees of the Iowa State Agricultural College, have instructed me to report the same back and ask that it may be referred to the Committee of Ways and Means, as it asks for an appropriation.

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred a petition of the Board of Supervisors of Keokuk county, asking that certain lands be exempt from taxation, have

instructed me to report the same back to the Senate, and as it involves a constitutional question, to recommend that it be referred to the Judiciary Committee.

M. V. BURDICK, Chairman.

By Senator McCrary, of Van Buren:

The Committee on Internal Improvements, to whom was referred two Joint Resolutions from the House, asking Congress for an appropriation for the purpose of constructing a Ship Canal from the lakes to the Mississippi; also an appropriation for constructing a canal around the Upper and Lower Rapids of the Mississippi, report a substitute and recommend its passage.

By Senator Parvin:

The Committee on Enrolled Bills ask leave to report, that they have presented the following Bills to his Excellency, the Governor, and that he has approved the same.

On January 21st, Senate File Nos. 22 and 23.

On January 25th, Senate File No. 24.

J. A. PARVIN, Chairman.

The following message was received from the House by Jacob Rich, Chief Clerk:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed House File No. 17—A Bill for an Act for the relief of Catharine Morris, sister of Edward Morris, deceased.

Also House File No. 7—A Bill for an Act to amend chapter 103 of the Acts of the 9th General Assembly, entitled “An Act to provide for the publication and distribution of the Adjutant General’s Report.”

In which the concurrence of the Senate is asked.

The House has also passed the following concurrent resolution, in which the concurrence of the Senate is respectfully asked:

Resolved by the House of Representatives, the Hon. Senate concurring, That a Joint Committee composed of two on the part of the House and one on the part of the Senate, be appointed at once to visit the Penitentiary at as early a day as practicable, and that they be instructed to report the result of their investigations in relation to the suggestions and recommendations contained in the Governor’s Message of January 22d, and also other matters pertaining to the public interest in the Penitentiary to this General Assembly.

JACOB RICH, Chief Clerk H. R.

That portion of the House message providing for the appointment of a Joint Committee, on the subject of a Bill for the relief of the families of the soldiers was taken up and read.

On motion of Senator Woolson, the resolution was amended, by substituting “five” for “three” members of the Committee, on the part of the Senate.

The resolution was then adopted.

House File No. 14: A Bill for an Act to legalize the Acts of the Board of Supervisors in Johnson County, was taken up, and read first and second time.

On motion of Senator Clark, the 11th rule was suspended, the Bill read a third time, and on the question, "shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, Moore, McMillan, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—35.

The nays were, Senators Burdick, Hillyer, Knoll, Merrill and Patterson—6.

The Bill passed and its title was agreed to.

House resolution, asking for indemnity from the General Government for Swamp Lands sold since 1850, &c., was taken up, read and referred to Committe on Public Lands.

House resolution, complimentary to our soldiers in the field, read first and second time.

On motion of Senator Wharton, the 11th rule was suspended, the resolution read a third time, and on the question, "shall the resolution be adopted?"

The yeas were Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—43.

The nays were none.

The Resolution was concurred in.

House File No. 17: A Bill for an act for the relief of Catharine Morris, sister of Edwin Morris, deceased.

Bill read first and second time and referred to the Judiciary Committee.

House File No. 7: A Bill for an act to amend chapter 103 of the Acts of the Ninth General Assembly, entitled an act to provide for the publication and distribution of the Adjutant General's Report.

Read first and second time and referred to the Judiciary.

The House Resolution providing for a Joint Committee to visit the Penitentiary, was taken up and read.

Senator Wharton moved to strike out "one" on the part of the Senate and insert "two." Lost.

Resolution was then read first and second time, the eleventh rule suspended, resolution read a third time, and on the question of concurrence

The yeas were, Messrs. Bassett, Burdick, Brunson, Brayton,

Boardman, Bridges Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Jennings, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—34.

The nays were Messrs. Brown, Gue, Hart, Hilsinger, Knoll, King, Parvin and Young—8.

The resolution was concurred in.

The President announced Senator Stubbs as such Committee on the part of the Senate.

Senate File No. 26 : A Bill for an act to extend the elective franchise, was taken up.

Senator Crookham, moved to amend the report of the Committee by striking out "Monday," and inserting "Thursday, at one-half past 10 o'clock, A. M.," and that the Bill be ordered printed.

Senator Young, moved to lay on the table. Lost.

Senator Paryin, moved to amend by fixing the hour for the special order at 7 o'clock, P. M. Adopted.

Senator Burdick, moved to adjourn. Lost.

The question being on making the Bill a special order for Thursday next, at 7 o'clock, P. M., it was lost.

On motion of Senator Jennings, the Bill was tabled, and ordered printed.

The following message was received from the House, by its Chief Clerk, J. Rich:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following concurrent resolution, in which the concurrence of the Senate is respectfully asked :

Resolved, That a committee of three from the House and two from the Senate be appointed to go to Story county and examine the College Farm, and report the condition and situation of the same to the General Assembly, and also to report an estimate of the amount necessary to erect College buildings.

J. RICH, Chief Clerk.

Senator Clarkson moved to take up the message just received.

The rule was suspended and the resolution read a first and second time.

Senator Clarkson moved to concur.

On motion of Senator Roberts, the resolution was so amended as to appoint a committee of two on the part of the House and one on the part of the Senate.

Senator Woolson offered the following amendment :

"And that such committee also examine and report whether the State University is not so organized and constituted as to be made the Agricultural College required by the conditions of the Agricultural College Land Grant."

On its adoption Senator Woolson demanded the yeas and nays.

The yeas were, Senators Bassett, Clarkson, Clark, Cutts, Dixon, Hesser, McJunkin, McCrary of Lee, Merrill, Patterson, Woolson and Young—12.

The nays were, Senators Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Crookham, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen and Udell—29.

Absent or not excused—Senators Foote and Wharton.

The amendment was lost.

On the question of concurrence,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Clarkson, Crookham, Clark, Dixon, Foote, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Ross, Roberts, Saunders, Stubbs, and Shippen—33.

The nays were, Senators Bridges, Cutts, Knoll, Merrill, Patterson, Parvin and Udell—7.

Absent but not excused, were Senators Wharton and Woolson. Resolution as amended was concurred in.

Senator Boardman was granted leave to introduce the following, which was adopted :

Resolved by the Senate, That the Secretary is hereby authorized to order for distribution by the members of the House of Representatives from Jones county, the number of papers and documents to which the deceased Senator from that county would be entitled, to be continued until a new Senator is elected and takes his seat: and that they are further authorized to receive the postage to pre-pay said documents.

The President announced Senator Dixon as the committee on the part of the Senate to visit the Iowa Hospital for the Insane.

On motion of Mr. Burdick the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, January 26th, 1864.

Senate convened at 10 o'clock A. M.
Prayer by Rev. D. N. Smith.

PETITIONS AND MEMORIALS.

By Senator McCrary, of Van Buren: The petition of J. J. Kindersly praying for the payment of a claim against the State of Iowa for \$9,000, growing out of the Des Moines River Improvement.

Referred to Committee on Des Moines River Lands.

By Senator Shippen: A petition of Wm. P. Hammond and others, of Monroe county, praying to amend the law in relation to county affairs, abolishing the Board of County Supervisors and creating in their stead the Commissioner system, with a County Auditor to serve as Clerk of the Board of Commissioners.

Referred to Committee on County and Township Organization.

By Senator McCrary, of Lee: The claim of Joseph Hoag, for services as Commissioner to locate the Capital.

Referred to Committee on Claims.

By Senator McCrary, of Lee: The petition of A. L. Deming asking a change in the mode of doing county business.

Referred to Committee on County and Township Organization.

REPORTS UNDISPOSED OF.

The report of the Judiciary Committee on Senate File No. 21—“A Bill for an Act to provide for taking depositions to be used in County Courts”—was taken up.

Senator Crookham moved to amend by inserting in 3d section, after the words “objection” the words “made in writing.” Lost.

The substitute was adopted, the Bill read a third time, and on the question, “Shall the Bill pass?”

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Clarkson, Crookham, Cutts, Dixon, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—39.

The nays were, none.

Absent but not excused—Senators Clark, Foote and Jennings.

The Bill passed and its title was agreed to.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House of Representatives has passed the following concurrent resolution, in which the concurrence of the Senate is respectfully asked:

Resolved by the General Assembly of the State of Iowa, That our delegation in Congress be respectfully requested to procure the adoption of such measures as may be necessary for extinguishing the title of rebel land owners, to lands in this State, and to so provide that the said lands shall be open to purchase and settlement, at the earliest day possible.

Resolved, That a copy of this resolution be sent to each one of our Senators and Representatives in Congress.

Also, that the House has passed Senate File No. 8—A joint res-

olution for the preservation of Bills printed for the General Assembly.

Also the following Joint Resolution in which the concurrence of the Senate is asked:

Resolved by the General Assembly of the State of Iowa, That the Secretary of State be instructed to furnish the members of the present General Assembly, the President, Secretary, and Clerks of the Senate, the Clerks of the House of Representatives and the Reporters, Post-Master, Door-keeper and Sergeant-at-Arms of both branches of this General Assembly, with a copy of all reports of the Supreme Court of this State, now on hand, or which shall be published during the Session of this General Assembly.

Also that the House has concurred in the Senate's amendment to the House Resolution recommending a preference for disabled soldiers for positions within the gift of the Federal and State Governments.

Also in the Senate's amendment of the Resoultion of the House providing for the appointment of a Committee to visit the Agricultural College farm.

JACOB RICH,
Chief Clerk.

On the request of Senator McMillan, Senator Brown was excused from attendance.

The report of the Judiciary Committee on Senate File No. 32—A Bill for an Act to amend Section 1, Chapter 109 of the Laws of the State of Iowa, passed at the Regular Session of the 9th General Assembly, entitled an Act to repeal Chapter 7 of the Laws of the State of Iowa passed at the Extra Session of the 8th General Assembly, entitled, for the relief of the volunteer soldiers of this State.

On motion of Senator Bassett the Bill was recommitted to the Judiciary Committee with instructions to include in the Bill those persons in the Naval service.

The report of the Judiciary Committee on Senate File No. 31—A Bill for an Act to amend Section 2220 of the Revision of 1860 in relation to unrecorded instruments, together with the minority was taken up. On motion of Senator Stubbs the Bill was laid upon the table.

Senator Shippen was granted leave to introduce the following resolution, which was adopted:

Resolved by the Senate, the House Concurring, That a Joint Committee of two on the part of the Senate, and three on the part of the House, be appointed to examine and report to this General Assembly the amount of mileage due to, and the number of miles traveled by each member of this General Assembly.

The report of the Judiciary Committee on Senate File No. 12—A Bill for an Act to amend Section 4726, of Chapter 207 of the Revision of 1860, entitled "Time of trial," was taken up, together with the substitute therefor. The substitute was rejected. On mo-

tion of Senator McCrary, of Lee, the Bill was laid upon the table.

The report of the Committee of Ways and Means on Senate File No. 33—A Bill for an Act to fix and provide for the salary of the Adjutant General, and to provide a contingent fund for said officer, was taken up, and on recommendation of the Committee Section 2 was stricken out.

On motion of Senator Gue the words "North-Western Farmer" was stricken out of the last Section.

On motion of Senator Stubbs the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

President presented the following communication from Hon. J. W. Cattell, Auditor of State:

AUDITOR'S OFFICE, IOWA, Jan. 25th, 1864.

To the Hon. Senate of Iowa: The resolution of your honorable body, passed on the 22d instant, requesting a report showing the amount of fees received by me, as Auditor, during the year 1863 is received.

I respond that I do not know the precise amount so received, during the time mentioned. I have never charged our own citizens for certificates, or copies of records, papers, or accounts, except when they were wanted to be used by parties in suits against the State, and in such cases the fees charged have gone to the Clerk or person making the copies, and no account thereof has been kept. The only fees received by me have been paid by foreign Insurance Companies doing business in this State. The amount received during the year 1863 was probably about \$325.

Respectfully submitted,

J. W. CATTELL.

Mr. Cutts moved to proceed to the consideration of the special order : Senate File No. 10 : A Bill for an act in relation to the salaries of certain officers, and to provide for contingent expenses. The motion prevailed.

Senator Bassett moved that it be referred to Committee on Ways and Means. Lost.

The Committee proposed the following amendments :

1st. In the fourth line section second, strike out the words "with the commencement of his term," and insert "with the first quarterly payment made after the taking effect of this act." Adopted.

2d. In the first line of section five strike out the word "eight" and insert "seven."

Senator Patterson moved to strike out "seven" and insert "six."

Senator Jennings demanded the yeas and nays and the roll being called, .

The yeas were Messrs Clarkson, Crookham, Cutts, Hogin, Hillyer, Hunt, Knoll, McJunkin, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin and Young—13.

The nays were Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clark, Dixon, Foote, Gray, Gue, Hart, Henderson, Hurley, Hesser, Hatch, Hilsinger, Jennings, King, McCrary of Lee, Moore, Merrill, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—30.

The amendment of Senator Patterson was lost.

The question recurring on the amendment proposed by the Committee, Senator Jennings demanded the yeas and nays.

The yeas were Messrs. Bassett, Brunson, Brayton, Boardman, Brown, Clarkson, Crookham, Dixon, Foote, Gray, Gue, Hogin, Hurley, Hesser, Hatch, Hilsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Parvin, Saunders, Shippen, Udell, Wharton, Woolson and Young—28.

The nays were Messrs. Burdick, Bridges, Clark, Cutts, Hart, Hillyer, Hunt, Jennings, Knoll, King, McMillen, Patterson, Ross, Roberts and Stubbs—15.

The amendment was adopted.

3d. In section 6 strike out all after the word “quarter” in the first line. Adopted.

Senator McCrary of Lee, offered the following amendment :

In Section 5 strike out “and the fees allowed by law,” and insert “in addition to which they shall severally receive the following fees, to be paid in the manner provided by law: For each conviction on plea of guilty, in case of felony, ten dollars; in case of misdemeanor, five dollars; for each jury trial, ten dollars; for each judgment for costs only, five dollars; for all fines and forfeitures actually collected, ten per cent., upon all sums of two hundred dollars and less, and one per cent upon that part of any sum in excess of two hundred dollars.”

“In case of conviction, as contemplated in the preceding section, the same fees therein allowed to the District Attorneys, shall be taxed against the defendant, which shall be collected by the Clerk and paid into the County Treasury.”

Senator Woolson offered the following amendment: Strike out of fourth and fifth lines, the words “in case of felony, ten dollars, in case of misdemeanors.”

Upon the adoption of which the yeas and nays were demanded, and Roll called with the following result :

The yeas were Messrs. Brunson, Brayton, Brown, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Hogin, Hillyer, Hunt, Hatch, Hilsinger, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Shippen, Udell, Wharton and Woolson —25.

The nays were Messrs. Bassett, Burdick, Boardman, Gray, Hurley, Hesser, Jennings, Knoll, McCrary of Lee, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs and Young—16.

Absent but not excused, Senators Bridges and King.

So the amendment was adopted.

Senator Brown moved to amend the amendment by striking out the words “for each jury trial ten dollars.” Lost.

The question recurring upon the adoption of the amendment as amended, the yeas and nays were demanded.

The yeas were Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Clark, Foote, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, McMillan, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—25.

The nays were Messrs. Brown, Bridges, Clarkson, Crookham, Cutts, Dixon, Hesser, Hunt, Jennings, Knoll, McJunkin, Moore, Merrill, Patterson, Ross, Roberts and Young—17.

Senator Parvin was absent and not excused.

Senator Brayton moved to strike out all after the words “per annum” in the second section ; and in the third section strike out all after the first line.

The Bill was made a special order for the 27th inst., at 2 o’clock P. M.

On motion of Senator Woolson, the Senate adjourned.

SENATE CHAMBER, }
Des Moines, January 27th, 1864. }

Senate convened at 10 o’clock A. M.

Prayer by Rev. D. N. Smith.

Journal of yesterday was read and approved.

The President appointed Mr. Gue, on the Joint Committee, to visit the Agricultural College Farm.

PETITIONS AND MEMORIALS.

By Senator Roberts, the petition of S. M. Holliday and others, of Madison County, praying that the School Law may be amended so as to increase the duties and compensation of County Superintendents, by requiring them to visit and personally inspect each school in their respective counties at least twice a year.

Referred to Committee on Schools and School Lands.

By consent, Senator Parvin introduced S. F. No. 93 : A Bill for

an Act to exempt the property of the "American Bible Society," within the State, from taxation.

Referred to the Committee on Charitable Institutions.

The following message was received from the House:

MR. PRESIDENT:—I am directed by the House of Representatives to inform your honorable body that the House has passed the following resolution, in which the concurrence of the Senate is respectfully asked:

Resolved by the House of Representatives, the Senate concurring, That a Joint Committee, consisting of two from the House and one from the Senate, be appointed to visit the State University and the Deaf and Dumb Asylum, at Iowa City, and examine into their condition and necessities, and report the same to this General Assembly.

J. RICH, Chief Clerk H. R.

REPORTS OF COMMITTEES.

The report of the Committee of Ways and Means on S. F. No. 33: A Bill for an Act to fix and provide for the salary of the Adjutant General and to provide a contingent fund for said office, was taken up.

On motion of Senator Udell, the bill was ordered to be engrossed and read a third time to-morrow.

Report of Committee on Agriculture, on S. F. No. 11—Bill for an Act to amend section 2193 of the Revision of 1860, relating to bounties on scalps, was taken up.

The amendment proposed by the Committee was not adopted.

On motion of Senator Knoll, the bill was read a third time and put upon its passage.

On motion of Senator Stubbs, the vote ordering the Bill to a third reading was reconsidered.

On motion of Senator Stubbs, the bill was amended so as to read as follows: "This Act, being deemed by the General Assembly of immediate importance, shall take effect from and after its publication in the *Iowa State Register* and *Iowa Homestead*, newspapers published in Des Moines, Iowa.

On motion of Senator Brayton, the bill was ordered to be engrossed for a third reading to-morrow.

Report of Committee on Roads, on S. F. No. 34—A Bill for an Act to amend chapter 46 of the Revision of 1860, entitled an Act to provide for the making and repairing of public highways and prescribing the duties of Township officers in certain cases—was taken up.

Senator Brayton moved that the report of the Committee be amended by striking out the words "do not pass," and inserting the words "indefinitely postponed." Lost.

Senator McCrary, of Lee, moved that the report and bill be laid upon the table.

Senator Jennings called for the yeas and nays.

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clark, Cutts, Dixon, Foote, Gray, Hogen, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippenn, Udell, Wharton, and Young—35.

The nays were, Senators Flauth, Hart, Hesser, Jennings, Knoll, and Woolson—6.

Absent but not excused, Senator Clarkson.

The motion to lay on the table prevailed.

Report of Judiciary Committee on S. F. No. 62—A Bill for an Act to repeal the 12th sub-division of section 4152 of the Revision of 1860, allowing fees to justices in certain cases—was taken up.

Senator Roberts moved to amend by inserting 5 per cent. after the words “actually paid over.”

On motion of Senator Stubbs, the bill was indefinitely postponed.

Report of Judiciary Committee on S. F. No. 61—A Bill for an Act to authorize the Secretary of State and his deputy to administer oaths and take acknowledgments—was taken up.

On motion of Senator Cutts, the recommendation of the Committee “that the bill be indefinitely postponed,” was adopted.

Report of Judiciary Committee on S. F. No. 18—A Bill for an Act to increase the number of Judges of the Supreme Court, and for other purposes—was taken up.

Senator Cutts moved to strike out in the third line of section 1, the word “hereafter” and insert “after the first day of January, 1865.”

On motion of Senator Roberts, the Senate adjourned.

AFTERNOON SESSION.

On motion of Senator Woolson, Senator Henderson was granted leave of absence, on account of the death of his father.

The Committee on Engrossed Bills made the following report:

The Committee on Engrossed Bills have examined Senate File No. 33: “A Bill for an Act to fix and provide for the salary of the Adjutant General, and to provide a contingent fund for said officer,” and find the same correctly engrossed.

G. W. GRAY, Chairman.

On motion of Senator Woolson, Senate proceeded to the consideration of the Bill, made a special order for to-day, at two o'clock, P. M., it being Senate File No. 10: A Bill for an Act in relation

to the salaries of certain officers, and to provide for contingent expenses.

The question recurring on the adoption of the amendment proposed by Senator Brayton, Senator Jennings demanded the yeas and nays.

The yeas were, Senators Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Hart, Hogin, Hillyer, Hesser, Hunt, Hilsinger, Knoll, McJunkin, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Roberts, Stubbs, Shippen and Wharton—27.

The nays were, Senators Bassett, Burdick, Foote, Gray, Hurley, Hatch, Jennings, King, McCrary of Lee, Patterson, Saunders, Udell, Woolson and Young—15.

The amendment prevailed.

Senator Young, moved to lay the Bill on the table.

Senator Jennings demanded the yeas and nays.

The yeas were, Senators Brunson, Brayton, Brown, Bridges, Clarkson, Crookham, Cutts, Hart, Hogin, Hillyer, Hesser, Hunt, Hilsinger, Knoll, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Roberts and Wharton—23.

The nays were, Senators, Bassett, Burdick, Boardman, Clark, Dixon, Foote, Gray, Hurley, Hatch, Jennings, King, Ross, Saunders, Stubbs, Shippen, Udell, Woolson and Young—17.

The Bill was laid upon the table.

Senator Udell moved to adjourn. Lost.

On motion of Senator Woolson, Senate File No. 18: A Bill for an Act to increase the number of Supreme Judges, &c., was taken up.

The question being on the adoption of the amendment proposed by Senator Cutts,

The yeas were, Senators Boardman, Clarkson, Cutts, Gray, Hesser, Hilsinger, Jennings, Knoll, Parvin, Stubbs, Woolson and Young—12.

The nays were, Senators Bassett, Burdick, Brunson, Brayton, Brown, Bridges, Crookham, Clark, Dixon, Foote, Hart, Hogin, Hurley, Hillyer, Hunt, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Shippen, Udell and Wharton—29.

Senator Hatch was absent, and not excused.

The amendment was lost.

On motion of Senator Ross, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, January 28th, 1864.

Senate convened at 10 o'clock A. M.

Prayer by Rev. P. F. Bresee.

Journal of yesterday read and approved.

The following message was received from the House:

MR. PRESIDENT:—I am directed by the House of Representatives to inform your Honorable Body that it has passed

Senate File No. 92—"A Joint Resolution appointing Trustees for the Iowa Hospital for the Insane."

Also, that the House has concurred in the Senate's amendments to the House Resolution for the appointment of a Joint Committee on the subject of a Bill for the relief of families of soldiers.

Also, that the House has concurred in the following concurrent resolution from the Senate:

Resolved by the Senate, the House concurring, That a Joint Committee of two on the part of the Senate, and three on the part of the House, be appointed to examine and report to this General Assembly the amount of mileage due to, and the number of miles traveled by, each member of this General Assembly.

Also, that the House has passed House File No. 8—A Bill for "an Act to provide for the printing and distribution of the Adjutant General's Report for 1863.

JACOB RICH, Chief Clerk H. R.

PETITIONS AND MEMORIALS.

By Senator McCrary, of Lee, a memorial of the Keokuk, Fort Des Moines and Minnesota Railroad Company, asking for a grant of land. Referred to Committee on Des Moines River Land.

The President announced the Committee on Judicial Districts, under resolution previously adopted, to consist of Senators Hunt, Hurley, Moore, Bridges, Hatch, Cutts, Hilsinger, Young, Brayton and Henderson.

UNFINISHED BUSINESS.

Senate File No. 18—Bill for an Act to increase the number of Judges of the Supreme Court—was taken up.

Senator Foote moved to reconsider the vote on amendment proposed by Senator Cutts on yesterday.

On the demand of Senator McCrary, of Lee, the yeas and nays were called:

The yeas were, Senators Boardman, Foote, Gray, Hurley, Hillier, Hesser, Hunt, Hatch, Hilsinger, Jennings, Merrill, Stubbs, Shipp, Wharton and Woolson—16.

The nays were, Senator Bassett, Burdick, Brunson, Brayton, Brown, Bridges, Clarkson, Crookham, Clark, Dixon, Hogin, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Udell and Young—26.

The vote was not re-considered.

On motion of Senator Dixon, section 6 was amended so as to read "Iowa Homestead" instead of "Iowa City Republican."

On motion of Senator McCrary, of Lee, the 11th rule was suspended and the bill read a third time, and upon the question "shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Crookham, Clark, Dixon, Foote, Hart, Hogin, Hillyer, Hesser, Hatch, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, and Woolson—30.

The nays were, Senators Clarkson, Cutts, Gray, Hurley, Hunt, Hilsinger, Jennings, Wharton, and Young—9.

Absent and not excused were, Senators Knoll, Merrill, and Parvin.

Bill passed and title agreed to.

The report of the Judiciary Committee on S. F. No. 19—A Bill for an Act to repeal section 2856 of the Revision of 1860, and to provide a substitute therefor—was taken up.

On motion of Senator Wharton, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 P. M.

Senator Hogin, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills have examined Senate File No. 11: A Bill for an Act to amend section 2193 of the Revision of 1860 relating to "bounty on scalps," and find it correctly engrossed.

J. C. HOGIN.

Senator McCrary, of Lee, offered the following amendment to S. F. No. 19, Section 2, by striking out "by the second day of the term," and inserting "according to law." Amendment and substitute were adopted.

On motion of Senator McCrary, of Lee, the Bill was ordered to be engrossed and read a third time to-morrow.

The report of the Judiciary Committee on S. F. No. 27—A Bill for an Act to repeal chapter 132 of the Laws of the Eighth General Assembly—was taken up.

Senator McCrary, of Lee, moved the Bill be engrossed and read a third time to-morrow.

On motion of Senator Hilsinger, the Bill was laid on the table, and made the special order for 2 P. M. to-morrow.

Senator McCrary, of Van Buren, obtained leave to introduce S. F. No. 94: A Bill for an Act in relation to Co. "G," Third Iowa Cavalry. The Bill was read first and second time, and referred to Committee on Military Affairs.

On motion of Senator Clark, the resolution from the House in relation to appointing a committee to visit the Iowa State University and Deaf and Dumb Asylum at Iowa City, was taken up and adopted.

The Committee on Enrolled Bills made the following report:

Your Committee have examined S. F. No. 8: A Joint Resolution for the preservation of printed Bills;

Also House File No. 14: An Act to legalize the action of the Board of Supervisors of Johnson county, and find the same correctly enrolled.

J. A. PARVIN, Chairman.

The report of the Judiciary Committee on Senate File No. 42—A Bill for an Act to amend section 3980 of chapter 159 of the Revision of 1860—was taken up.

On motion of Senator McCrary, of Lee, the Bill was laid on the table.

Senator Brayton was granted leave to call up Senate File No. 79—A Bill for an Act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting. The Bill was referred to Committee on Elections.

On motion of Senator Boardman, Senate File No. 63—A Bill for an Act supplemental to an Act of the 9th General Assembly, entitled an Act for the better protection of the School Fund—was taken up and referred to Committee on Schools and School Lands.

Senator Clarkson obtained leave to have Senate File No. 86: A Bill for an act making an appropriation and directing the erection of an Agricultural College, taken from the table and referred to the Committee on Ways and Means.

Senate File No. 81: A Bill for an Act providing for the formation of the Twelfth Judicial District, &c., was taken up and referred to the Committee on Judicial Districts.

The President appointed Mr. Gray as the committee on the part of the Senate to visit the Deaf and Dumb Asylum and State University at Iowa City.

On motion of Senator Burdick the Senate adjourned.

SENATE CHAMBER,
Des Moines, January 29th, 1864.

Senate convened at 10 o'clock A. M.

Prayer by Rev. I. F. Bresee.

Journal of yesterday read and approved.

Senator Gray was excused from serving on the committee to visit the Asylum for the Deaf and Dumb and State University.

The President substituted Senator Young for Senator Gray.

On motion of Senator Stubbs, Senator Roberts having been called home on urgent business, was excused from attendance.

PETITIONS AND MEMORIALS.

Senator Knoll presented the petition of Wm. Meyer and others, of Dubuque, praying for the repeal of the Prohibitory Liquor Law, and the passage of a License Law, and moved that it be referred to a select committee of five of which Senator Burdick shall be chairman.

Senator Brown moved to lay on the table.

Senator Knoll demanded the yeas and nays.

The yeas were, Messrs. Brunson, Brayton, Brown, Cutts, Foote, Hurley, McCrary of Lee, McMillan, Merrill, Patterson, Ross, Stubbs, Wharton, and Young—14.

The nays were Messrs. Bassett, Boardman, Bridges, Clarkson, Crookham, Dixon, Gray, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Van Buren, Moore, Parvin, Saunders, Shippen, Udell and Woolson—25.

Absent and not excused, Burdick and Clark.

The motion to table was lost.

The motion to refer prevailed.

The President announced the following Senators as members of said Committee : Messrs. Burdick, Parvin, Wharton, Knoll and Shippen.

On motion of Senator Udell, all petitions in reference to the Liquor Law were taken from the table and referred to said Committee.

Senator Saunders presented a petition from the City Council of Davenport, asking for an appropriation to defray the necessary expenses of a preliminary survey of a Ship Canal from Lake Michigan to the Mississippi River, to be made by the General Assembly of Iowa, and that the Governor be authorized to appoint an engineer to make a preliminary survey of said Ship Canal.

Senator Saunders also presented a petition from the citizens of Davenport, in regard to a Ship Canal, and asking an appropriation of \$1,000 to make preliminary surveys from LaSalle to the Mississippi River. Referred to a special Committee on Ship Canal con-

sisting of Messrs. Saunders, Jennings, Crookham, Parvin and Boardman.

Senator Brayton presented a petition from citizens of Delaware county, asking for the passage of an efficient and judicious Registration Law. Referred to Committee on Elections.

UNFINISHED BUSINESS.

The Report of the Committee on Judiciary on Senate File No. 13 : A Bill for an act to repeal an act passed February 5th, 1851, to prevent free citizens from being restrained of their liberty, was taken up and the substitute of the Committee adopted.

On motion of Senator Stubbs, the Bill was read a third time and upon the question, "shall the Bill pass ?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Hart, Hogen, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—40.

The nays were, none.

Senator Knoll was absent, and not excused.

The Bill passed and its title was agreed to.

On motion of Senator Woolson, the vote on the title was reconsidered.

On motion of Senator Woolson, the title of the Bill was amended so as to read: A Bill for an Act to repeal an Act entitled an Act to prevent the immigration of free negroes to this State, approved Feb'y 5th, 1851."

The Report of the Judiciary Committee, on Senate File No. 80 : A Bill for an Act granting certain powers to the District Court of Lee County, and relief thereby to Jonathan Jones, was taken up, and on motion of Senator Stubbs, the Bill was read a third time. On the question, "Shall the Bill pass ?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Hart, Hogen, Hurley, Hillyer, Hesser, Hunt, Hatch, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, and Young—33.

The nays were, Senators Burdick, Hilsinger, Jennings, Knoll, Merrill, Wharton, and Woolson—7.

The Bill passed, and its title was agreed to.

The Report of the Committee on Claims, on the memorial of Geo. W. Camp, of the 1st Iowa Cavalry, asking for compensation for a horse lost in the service, was taken up and adopted.

The Report on the claim of D. A. Poorman, for making a dia-

gram of the Senate Chamber, allowing him \$6, was taken up, and on motion of Senator Burdick, was referred to Committee on Ways and Means, with instructions to allow the same.

The Report of the Committee on County and Township Organizations, on Senate File No. 36: A Bill for an Act to amend Section 2, Chapter 173, of the Acts of the Ninth General Assembly, in relation to city and town Assessors, was taken up, and on motion of Senator Woolson, was recommitted.

On motion of Senator Hurley, Senate File No. 10, was taken up, and referred to the Committee on Ways and Means.

The Report of the Committee on County and Township Organizations, on Senate File No. 37: Bill for an Act to amend Section 5, Chapter 163, of the Ninth General Assembly, and to fix the per diem of Road Supervisors, was taken up, and read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutts, Dixon, Foote, Gray, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hillsinger, Jennings, Knoll, McJunkin, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton and Young—35.

The nays were, Senators Bassett, Clark, King and Merrill—4.

Absent and not excused—Senators McCrary of Lee and Woolson.

The Bill passed and its title was agreed to.

The following message was received from the House of Representatives:

MR. PRESIDENT:—I am instructed to inform your Honorable Body that the House of Representatives has passed Senate File No. 56—"A Bill for an Act to abolish the office of Surgeon General."

Also House substitute for Senate File No. 5—A Bill for an Act to repeal section 7, chapter 17, Acts of the Regular Session of the 9th General Assembly.

Also House File No. 26—An Act to amend chapter 173, of the Revision of 1860, concerning offenses against public health.

Also House File No. 3—A Bill for an Act in relation to the collection of taxes in Lee county.

In which the concurrence of the Senate is asked.

JACOB RICH, Chief Clerk H. R.

The Report of Committee on County and Township Organizations on Senate File No. 7—A Bill for an Act to change the time for holding County Courts in April and August was taken up, and read a third time. Upon the question, "shall the Bill pass,"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hillsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross,

Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—39.

The nays were Senator Knoll—1.

Absent and not excused, Senator Jennings.

The Bill passed and its title was agreed to.

Senate File No. 66—A Bill to create the office of County Assessor was taken up, and on motion of Mr. Stubbs the Bill was indefinitely postponed.

Mr. Saunders was granted leave to introduce Senate File No. 95—A Bill for an act providing for the preliminary survey of a Ship Canal route from the State of Iowa eastward to the Illinois river. The Bill was read first and second times, and referred to the special Committee on that subject.

Mr. Stubbs introduced the following resolution:

Resolved, That from and after this day the Senate will hold but one session each day, commencing at 10 o'clock A. M., until otherwise ordered. The resolution was not adopted.

On motion of Mr. Jennings the Senate adjourned.

AFTERNOON SESSION.

Senate convened at two o'clock, P. M.

On motion of Mr. Woolson the Senate proceeded to the consideration of the special order, Senate File No. 27—Bill for an Act to repeal Chapter 132, of the Laws of the 8th General Assembly. Mr. McCrary moved that the Bill be read a third time.

Mr. Hunt moved that the Bill be made a special order for to-morrow at 2 P. M., which was lost.

Mr. Woolson moved that it be made a special order for Monday at 10 o'clock, which was lost.

The Bill was read a third time, and on the question “shall the Bill pass,”

The yeas were, Senators Burdick, Brayton, Boardman, Crookham, Foote, Gray, Hurley, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, Patterson, Parvin, Ross, Saunders, Stubbs, and Woolson—19.

The nays were, Senators Bassett, Brunson, Brown, Bridges, Clarkson, Clark, Dixon, Hart, Hogin, Hillyer, Hesser, Jennings, King, McCrary of Van Buren, Moore, McMillan, Merrill, Shippen, Udell, Wharton and Young—21.

Senator Cutts was absent and not excused.

The Bill was rejected. Mr. Young moved to re-consider the vote on the passage of the Bill.

Mr. Udell moved to lay the motion on the table—lost.

On motion of Mr. Jennings a call of the Senate was ordered.

The roll was called, and Mr. Cutts was found absent, and not excused.

On motion of Mr. Woolson, further proceedings under the call were suspended.

The motion to reconsider, prevailed.

On motion of Mr. Young, Senate adjourned.

SENATE CHAMBER, }
Des Moines, Iowa, January 30th, 1864. }

Senate convened at 10 o'clock, A. M.

Prayer by Senator Wharton.

Journal of yesterday was read and approved.

The following Senators were absent serving on committees : Senator Dixon, to Insane Asylum ; Senator Stubbs, to Penitentiary, and therefore excused.

On motion of Senator Bassett, the House Resolutions on Ship Canals were taken from the table, and referred to the Committee on Ship Canals.

On motion of Senator Bassett, Senators Hunt and Wharton were added to the committee.

PETITIONS AND MEMORIALS.

Senator Hogin presented the petition of Michael Rizer and others, asking for the passage "of a law prohibiting, entirely, the netting of quails, or the destruction of them by any other mode, except on the owner's premises." Referred to the Committee on Agriculture.

UNFINISHED BUSINESS.

On motion of Senator Woolson, the vote ordering Senate File No. 27 to a third reading, was reconsidered and the Bill recommitted to the Committee on Judiciary.

The report of the Judiciary Committee on Senate File No. 48—A Bill for an Act to provide for reporting the decisions of the Supreme Court of this State—was taken up.

On motion of Senator Hurley the word "may" in the second line of section 4 was stricken out and the word "shall" inserted in lieu thereof.

Senator Parvin moved to strike out in the third line of section 5, all that part after the words "to be reported."

Senator Woolson moved to amend the amendment, by striking out the last words of section 5 in fourth line, "similar services," and insert in their stead the words "for attending said term at Davenport." Adopted.

The original amendment as amended was lost.

Senator Parvin moved to strike out the words "five hundred copies" in second line of section 8, and insert "four hundred and fifty copies."

And upon this motion Senator Jennings demanded the yeas and nays.

The yeas were, Senators Bassett, Brunson, Brayton, Brown, Bridges, Clarkson, Crookham, Cutts, Gue, Hart, Hillyer, King, McMillan, Merrill, Parvin and Wharton—14.

The nays were, Senators Burdick, Clark, Foote, Gray, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, McCunkin, McCrary of Lee, McCrary of Van Buren, Moore, Patterson, Ross, Saunders, Shippen, Udell, Woolson and Young—23.

Senator Boardman was absent and not excused.

The amendment was lost.

Senator Ross moved to insert after the word "when," in the third line of section 9, the words, "in their opinion." Adopted.

On motion of Senator Saunders the word "same" at the end of the third line in section 9, was stricken out and "said order" inserted in lieu thereof.

On motion of Senator Hurley, the word "two" in third line of section 10 was stricken out and the word "one" inserted in its stead.

On motion of Senator Gue the words "Register of State Land Office" were inserted in fourth line in section 10, after the words, "Auditor and Treasurer of State."

On motion of Senator McCrary, of Lee, the words "one copy to each public library in this State," were inserted in fifth line of section 10, after the words "Supreme Court."

On motion of Senator Woolson all words after the words "by law" in tenth line of section 10, were struck out.

On motion of Senator Clarkson, all after the word "State" in seventh line of section 11, was stricken out.

On motion of Senator Udell, all the words in the second line of section 12 were stricken out, and the following were inserted: "Reporting and preparing the reports for publication."

On motion of Senator Woolson section 13 was amended so as to read as follows: Chapter 10 of the Revision of 1860, and all Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

On motion of Senator Woolson the words "similar services," in line four, section 5, were struck out, and the words "attending said term at Davenport" were inserted.

Senator Patterson moved to amend section 9 by adding, If said reporter fail or refuse to publish the same the Court shall have power to declare the copyright thereof forfeited to the State. Adopted.

On motion of Senator McCrary, of Lee, the Bill was ordered to be engrossed for a third reading on Monday.

Senator Young was granted leave to make the following report from the Committee of Ways and Means:

The Committee on Ways and Means, to whom was referred Senate File No. 50—A Bill for an Act providing for the taxation of the property of railroad corporations the same as that of individuals—have had the same under consideration, and have instructed me to report the same back to the Senate, with the accompanying substitute, and recommend the passage of the substitute.

J. B. YOUNG.

On motion of Senator Young, the Bill was laid on the table and ordered to be printed.

Senator Wharton moved that the Senate adjourn. Lost.

The Committee on Engrossed Bills submitted the following report:

The Committee on Engrossed Bills have examined S. F. No. 19—A Bill for an Act to repeal section 2856 of the Revision of 1860, and to provide a substitute therefor—and find it correctly engrossed.

G. W. GRAY, Chairman.

The Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills ask leave to report, that on the 28th inst., your Committee presented to His Excellency, the Governor, for his signature, Senate File No. 8.

J. A. PARVIN, Chairman.

January 29th, 1864.

On motion of Senator Burdick, it was voted that when the Senate adjourns it adjourn till Monday next at 10 o'clock A. M.

On motion of Senator Wharton, the Senate adjourned.

SENATE CHAMBER, }
Des Moines, February 1st, 1864. }

The Senate convened at 10 o'clock A. M.

Prayer by the Rev. Thos. McCague.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The following communication from the Attorney General was read, and, on motion of Senator Hatch, was laid on the table, and 300 copies ordered printed:

OFFICE OF ATTORNEY GENERAL, }
Des Moines, JANUARY 28TH, 1864. }

To the Senate and House of Representatives of the State of Iowa :

I have the honor to acknowledge the receipt of resolutions from the Senate and House of Representatives respectively, requesting me to communicate my opinion as to what legislation is at this time necessary in order to do justice to the State, and all parties for whom she is interested as trustee in the lands granted to the State by Congress, in trust for the improvement of the Des Moines River,—to aid in the construction of Rail Roads, within the State,—and also lands granted to the State for certain purposes of indemnity. To say what the law ought to be in regard to interests so important and conflicting as those involved in the subject of your resolutions, is to place upon me a very serious responsibility, and one perhaps hardly falling within the ordinary scope of my official duties. Nevertheless, in obedience to your request, I submit the following suggestions which occur to me as proper and just in the premises.

In order to understand what ought to be done to remedy the difficulties in which the State and its citizens have become involved, it becomes necessary, first, to fully understand the origin and nature of these difficulties.

By an act of the Congress of the United States, approved August 8th, 1846, there was granted to the then Territory of Iowa, in trust for the improvement of the Des Moines River, one equal moiety in alternate sections of the public lands not otherwise disposed of in a strip five miles in width on each side of the river.

The question in relation to this grant which has occasioned so much difficulty, is upon the *length* of the grant ; that is to say, whether or not it embraced the alternate sections within five miles of the river, the entire length of the river, or the entire length of the river within the State, or whether it was limited the designated width below the Raccoon Fork of the river, where the work of improvement was directed to be made.

This difficulty has become the more serious, because of the claims of certain Rail Road Companies who are asserting that they have acquired vested rights under a subsequent grant of Congress to the State for Railroad purposes. The claim asserted by them is this : By Act of Congress, approved May 15, 1856, there was granted to the State of Iowa, in trust for the construction of four designated lines of railway running East and West across the State, the alternate sections of land on the lines aforesaid for six sections in width except such as the United States had already sold or otherwise appropriated, and especially reserving from the operation of the act, all lands reserved by the United States or any other competent authority, for purposes of internal improvement.

One of these lines of Railroads crossed the Des Moines river at the Raccoon Fork, and two others crossed the river above that point. At the time the State of Iowa accepted of the trust and disposed of the grant of 1856, made for Railroad purposes, the Commissioner of the General Land Office of the United States had ceased to question the right of the State under the grant of 1846, to the alternate sections of within five miles of the the river up to the Northern boundary of the State.

The Comissioner had expressly reserved these lands from public sale or private entry for this work of internal improvement, and being, as was supposed, the competent authority within the meaning of the proviso to the Railroad Grant of 1856, no one interested in the subject seemed at that time to contemplate any difficulty.

Hence in disposing of the grant of 1856 for Railroad purposes, the General Assembly of the State seems not to have anticipated the possibility of any conflict between the two grants. I can discover no mention of such question in the proceedings of either branch of the General Assembly during the extra session of 1856. If any such thing was thought of or contemplated by any one at that time, it appears to have been *carefully concealed*.

The act of the General Assembly of 1856 in granting the lands donated to the State in trust for Railroad purposes, uses very general and comprehensive words, granting to the Railroad Companies upon certain conditions all the rights conferred upon the State by the act of Congress, approved July 15, 1856.

The Dubuque and Pacific Railroad Company, the Cedar Rapids and Missouri River Railroad Company, have asserted a claim to the lands heretofore treated and regarded by the authorities of this State and of the United States as belonging to the Des Moines river grant, or rather to all of said lands lying within fifteen miles of the contemplated route of their Roads. If their claims shall be recognized, it is fair to presume that the Mississippi and Missouri River Railroad Company will make the same claim. The Burlington and Missouri River Railroad Company have no interest in this question, as their road crosses the Des Moines river below the Raccoon Fork.

As the State has already sold and executed patents for 271,571 acres of land above the Raccoon Fork of the River, nearly all of which will come within this claim of the Railroad Companies, the success of their pretensions will involve the State either in the necessity of making good the title of that amount of land, a considerable portion of which is now well improved and under cultivation, or she must repudiate the titles executed by her and leave those who have purchased without any remedy.

In nearly if not all the legislation by the State in regard to the Des Moines river grant and in the Act authorizing the contract under which the agreement was made between the State and the Des Moines Navigation Company, there is contained a provision

in substance that the State in her sovereign capacity shall not be charged with any liabilities assumed, but all such liabilities shall be chargeable upon and payable out of the remaining lands belonging to the Des Moines river grant.

This provision clearly pledges the faith of the State to appropriate the lands then supposed to belong to the grant, to the discharge of all the obligations thus incurred, provided she then had or has since secured the title thereto, or can in any proper manner control the same.

The State has not, however, pledged her faith to appropriate money out of her ordinary revenues to make good any of these obligations. Should the State, however, fail to redeem her pledge in regard to the appropriation, the claimants might perhaps justly ask of her such indemnity. Because of these provisions against State liability, it has been supposed that no obligation, either of a legal or equitable character, rests upon the State.

As to the matter of the liability of the State, this provision of the law makes no difference of legal right, as the State could in no event be made liable in a *suit* by the parties, for the reason that the sovereign power cannot be sued. In denying to those who have received her patents a right of action against the State, the State has only denied to them what she denies to all of her citizens in any and every business transaction with them. The State as a sovereign power refuses to be sued upon the hypothesis that she is the fountain of justice, created by the will of the people for the very purpose of securing to individuals their rights of private property, of personal liberty and security, and is presumed to be incapable, in her sovereign capacity, of withholding or infringing these sacred rights.

It may be questionable whether popular legislation, subject as it is to be influenced by public clamor or private interests, will always justify this theory, yet those who have in their keeping the character and honor of the State, cannot too sacredly regard it. Let it be remembered that it is the will of the law making-power, that in such cases creates the legal right, and the considerations which influence that *will*, are necessarily of a purely moral or equitable character.

In order that these considerations may be fully ascertained in the various interests involved, it becomes necessary to review at some length the acts of the State of Iowa, as the Trustee of the lands for the improvement of the Des Moines river.

By act of the General Assembly, passed in 1848, the State organized a board of public works, and authorized them to let contracts for the construction of locks and dams upon the Des Moines river, and the general improvement of the navigation of the same by means of slack water.

From this date to June, 1854, the improvement of the river was attempted by means of numerous contracts let to private persons

for the construction of locks and dams, excavations and materials. The State also established an office for the sale of the lands of the improvement, in order to raise the means to carry on the work, and also authorized the issue of bonds upon the faith of the grant. The State and its officers are alone responsible for whatever of failure or misfortune attended the enterprise during this time.

During the six years the State controlled the work, 327,000 acres of land were sold, 58,830 acres of which were of those above the Raccoon fork of the river. An indebtedness estimated at \$60,000, but in fact about \$70,000, was incurred. But little progress was made in the enterprise, and many incidental and contingent liabilities and obligations were incurred. By reference to page thirty-five of the report of the Register of the State Land Office, made to the General Assembly now in session, you will find a tabular statement of claims against the Des Moines River Improvement, audited by a board of commissioners appointed by act of the General Assembly, approved March 3d, 1860. An explanation is necessary to understand the nature and origin of some of these claims. At the time of the organization of the board of public works, in 1848, a number of citizens had, under the authority of the territorial legislature, erected locks and dams of a temporary character upon the Des Moines river, at their own private expense, for the purpose of creating a water power, and had put up mills and machinery adjacent thereto. In the act of 1848, the State authorized the board of public works to condemn and remove these locks and dams, and to locate works of a more permanent character, but also provided that compensation should be made for the injury thus done to the mill owners; and as a cheap method of compensating them, in part, recommended the granting of new leases for a term of years for water power at the new dams.

The board was also authorized to condemn the lands of private citizens adjacent to the location of the public dams, and to take the title to the State to sufficient lands for the proper use of the power to be created by their erection, and also to grant leases for water power on consideration, in part, for the lands, so taken and condemned.

In pursuance of these powers, the officers of the State entered into contracts for the lease of specific water power at various points upon the river, upon the faith of which the lessees constructed numerous and valuable mills and machinery.

These leases were unfortunately contracted before the water power was actually created by the completion of the dams, and an undue confidence was placed in the future progress of the work. It is unnecessary for me to write the chapter of accidents to which may be attributed the misfortunes of the State, and of those who relied upon the covenants of these leases. Suffice it to say, that the works at Croton, Bonaparte and Bentonsport were almost con-

tinually out of repair, while those at Keosauqua and Plymouth have never yet been completed.

The above is the origin and character of most of these claims, others are for work done by mill owners since the settlement between the Des Moines Navigation Company and the State, and others are for services of various kinds under contracts with the officers of the State, and a few of the small claims are, I think, for detention and injury to boats by reason of the condition of the locks and lock gates during the time of navigation. As to the provisions made for the payment of these claims I shall have more to say hereafter.

In the year 1853, the work on the Des Moines River under the supervision of the officers of State, was nearly if not entirely suspended. As will be seen by the report of the Commissioner and Register made to the Governor in 1852, negotiations had been opened with various parties in St. Louis and New York in order to obtain the means to pay off the existing debt, and to further prosecute the work. In that report the Commissioner says:

"It is now a clearly ascertained fact, about which a doubt can no longer exist that with the large debt, hanging over the work which should, and must be paid, and the slow sales of the lands, it is folly to expect to carry the Des Moines Improvement to a completion in many a long year, if ever. It is hardly too much to say that the work can never be completed unless some steps be taken by legislative enactment to infuse new life into it."

This report also contains a lengthy correspondence with Messrs. Page & Bacon of St. Louis, and a proposition on their part to undertake the work upon the terms afterwards substantially made in the contract with the Des Moines Navigation Company.

In consequence of the condition of affairs as set out in this report the General Assembly of the State by act approved January 24, 1853, authorized the Commissioner, with two assistants, George G. Wright, of Van Buren county, and Uriah Biggs of Wapello county, to make a contract for the means to carry on the work and to pay off the indebtedness. After more than a year's effort and correspondence with various capitalists (Messrs. Page & Bacon of St. Louis having in the meantime declined the work altogether,) these Commissioners of the State made a contract with the Des Moines Navigation and R. R. Company, an association composed of capitalists, then residing principally in the State of New York, and incorporated under the laws of this State for the purpose of undertaking this contract. This contract was dated June 9th, 1854, and from this date is the first connection of the Des Moines Navigation Company, with the affairs of the improvement.

In many respects this contract with the Des Moines Navigation Company did not differ from the contracts let for construction of dams before that time, to private parties. The State still controlled the character of the work by her Commissioner and Register, and the supervision of a State Engineer. The company received pay

only for work done at specific prices set out in the contract. So much per perch for stone or masonry work, so much per foot for timber, and so much per pound for iron. The essential difference between this contract and the old ones was, that the State paid for the work in land at \$1.25 per acre, instead of the money or the bonds of the Improvement. Another important stipulation of this contract was, that as a condition precedent to the contract, the Des Moines Navigation Company advanced \$55,000 to pay the indebtedness then due upon the bonds of the improvement, and provided for the remaining indebtedness which they afterwards paid, to the amount, including the above of \$68,953.57 which is exclusive of the additional \$20,000 paid on the final settlement. At the date of this contract the Commissioner of the General Land Office had certified to the State, as belonging to the State, for the purposes of the river improvement 271,572 acres of land located above the Raccoon Fork of the river. Of this amount the State had sold to private parties 58,830 acres above the Fork. Of the 321,537 acres approved and certified under the grant below the Raccoon Fork but 53,367 acres remained. These lands below the Raccoon Fork at the contract price would scarcely more than cover the \$68,953 of indebtedness paid for the State by the company under the contract.

In addition to this, the State received, under this contract, the salaries of its officers in charge of the improvement, to-wit: The Commissioner and the Register and the Engineer, amounting to the further sum of \$42,330. To which add the \$20,000 paid to the State on the final settlement, and you have cash received from the Company, without any pay to them for the work, the sum of \$131,283.

On the 24th day of December, 1856, Mr. Manning, the Commissioner for the State, made a settlement with the Des Moines Navigation Company and the parties drew up and agreed upon a statement of account between the State and the Company which was as follows:

Due the Des Moines Navigation Company for construction work to Dec. 1, 1856,.....	\$185,947.46
State indebtedness paid by them,.....	68,953.57
Salaries of State officers paid,.....	7,629.51
Engineer's salary paid,.....	34,700.00
 Total,.....	 \$297,230.54

PAID THE COMPANY BY THE STATE.

May 14th, 1855, acres of land,.....	88,853.19
May 6th, 1856, " " "	116,636.54

305,489.73

At \$1.25 per acre amounts to..... \$256,861.50

Leaving balance due Company.....	\$40,369.04
To which as agreed should be added the 20 per cent, provided for in the contract. This is estimated at.....	\$45,655.40
	<hr/>
Making the amount then due,.....	\$86,024.44
On the 5th of August, 1857, the Commissioner certified as due the Company, the further sum of.....	\$35,000.00
December, 1857, the State Engineer estimated to the Company the further sum of.....	\$38,258.43
	<hr/>
Making a total due the Company,.....	\$169,282.87

By an Act of the General Assembly, approved January, 1857, the State attempted to repudiate the contract of June 9th, 1854. This Act was passed by the votes of members of the General Assembly whose immediate constituents were the least interested in the work upon the Des Moines River and in opposition to the votes and earnest protest of the representatives of the people residing in the Des Moines Valley.

Under the law it became the duty of the officers of State to test the validity of the contract of June 9th, 1854, in the Courts. A proceeding by mandamus was commenced by the Des Moines Navigation Company, against the Commissioner of the Des Moines River Improvement, and although the prayer of the petition was refused and the application defeated yet the Supreme Court of the State affirmed the validity of the contract, and declared the act of the General Assembly approved January 24, 1857, to be of no practical force and effect.

By joint committee of the two houses of the 8th General Assembly, a settlement was agreed upon between the State and the Des Moines River Company, and formal propositions for a settlement were made by the State to the Company by act of the General Assembly approved March 22d, 1858, and afterwards accepted by them. At the date of this settlement as above set out, the State had already certified to the Company 205,489.73 acres of land, and of the lands certified and approved under the grant of 1846, only 60,619 acres remained. At the contract price these would amount to \$75,774, which was nearly \$83,500 less than the acknowledged indebtedness to the Company. The State, however, claimed that the Company had not complied with the contract, in point of time, and that the great object of the contract, to-wit: the navigation of the river, remained unaccomplished. Under these circumstances, the State claimed as a condition precedent to certifying these remaining 60,619 acres of land, or of issuing patents for the lands before certified, that the Company should pay to the State for the use of the improvement the further sum of \$20,000, thus claiming

as damages from the Company for its alleged failure to complete the work, the sum of about one hundred and three thousand five hundred dollars. The preamble to the act of 1858 waives any acknowledgment upon the part of any one as to where the fault of the various failures and misfortunes attending the work was justly chargeable. After a full investigation of the matters in controversy between them, the parties concluded the settlement, the State making the proposition in the form of a solemn act of the General Assembly, and the Company accepted the same by resolution of its Directors, and by paying over the money. In pursuance of this settlement deeds were issued by the State to the Company for all the remaining lands then certified to the State for the purposes of the improvement, including those certified by the State to the Company before the settlement, and amounting in all to 266,109 acres, 53,367 acres only of which, as before stated, are below the Raccoon Fork of the river.

In this connection it may, perhaps, be of interest to the members of the General Assembly to know who are now the owners of the title thus made by the State, and what is the present condition of the lands.

It is perhaps well understood that the Raccoon Fork of the river is at the City of Des Moines, or rather that Des Moines is located at the Raccoon Fork.

As to the lands sold by the State, either to individuals or to the Des Moines Navigation Company, below this point, there is no trouble.

There are also 25,847.87 acres of land immediately next above this point, about which there is no trouble. These lands were sold and patented by the United States to individuals, prior to the Railroad grant of 1856, and though claimed by the State under the Des Moines River Grant of 1846, yet the State never claimed to interfere with the title of the purchasers, but merely to have lands in lieu thereof;—a moderation and propriety worthy of imitation by those who are now giving the State so much trouble.

Next above these lie the 58,830 acres sold by the Commissioner and Register, prior to the contract with the River Company. All these, of course, are in the hands of individuals, and upon them are some of the best improvements and finest farms in the Des Moines Valley.

The 212,742 acres above this point conveyed to the Des Moines Navigation Company, have passed into the hands of third persons, in the manner I shall presently explain. These lands with others before mentioned embrace nearly if not all the lands, within this five mile limit of the alternate sections, lying between this point and Fort Dodge and some immediately above that point. An explanation is necessary in regard to the sale of these lands by the Des Moines River Company. In order to raise the means adequate to their undertaking the Des Moines Navigation Company

issued and sold in the market the corporate bonds of the Company, secured by a trust deed binding all the lands of the Company, as fast as the same should be certified to them under their contract with the State.

At the same time they opened their land office in the State for the sale of these lands to private parties and actual settlers. And in order to make their titles good to purchasers, it was provided in the deed of trust that upon the payment by the Company to the Trustee of three dollars per acre upon any of the lands either in money or in the bonds for which the trust-deed was security, that the Trustee should release the land from the operation of the trust deed. During the years 1856 and 1857, the transactions in real estate became very active in our State and the Company disposed of large quantities of these lands by private sale in the manner before stated and very many of the purchasers have settled upon and improved their lands.

Some of the sales were made upon a partial credit, the Company retaining the legal title for the security of the unpaid portion of the purchase money and executing a contract of sale to the purchaser. Some of these contracts are still outstanding and are in various stages of completion.

After the settlement with the State in 1858, the Des Moines Company sold to its bond-holders all the remaining lands which had been deeded to them by the State and also sold their interest in the lands before contracted, reciting the contract in their deeds and thus making the individual bond-holder take the place of the Company in these contracts. Thus the bond-holders of the Company who advanced the money which paid the State indebtedness and also the money which was expended on the improvement, now hold the legal title to these lands sold, but not entirely paid for, as the security for the payment of the balance due on these contracts of purchase.

I have made investigation of this question and present it here because a suggestion has been made that the State should make a distinction in regard to those who have dealt in these lands upon the faith of the title made by the State and should secure only the rights of actual occupants or settlers.

Aside from the doubtful morality of such an undertaking, I deem it, under the circumstances surrounding this case, as entirely impracticable. The inquiry into the merits of every purchase or transfer of this land, embracing as it does so many thousand acres, and numerous subsequent sales, and the attempt to adjust the nicely balanced equities of each individual, upon purely sympathetic considerations, is an undertaking which I would not recommend to the General Assembly.

After the settlement with the Des Moines Navigation Company, in 1858, the General Assembly attempted to provide for the completion of the locks and dams then in the course of construction at

Croton, Plymouth, Bentonsport and Keosauqua, and to provide for the payment of the liabilities existing and to be incurred, and then to give the balance of the grant, when obtained, to the Keokuk, Ft. Des Moines and Minnesota R. R. Company.

In the act of settlement with the Des Moines Navigation Company, the State took an assignment of four construction contracts then outstanding between private contractors and the Des Moines Navigation Company for the construction of the work at the four points above named. Upon these contracts there was unpaid what was called back per centage, that is 15 per cent. of the estimates of work done under the contract, which was reserved as security for the completion of the contract. This back per centage the State assumed and agreed to pay in the settlement with the Navigation Company. The State also took an assignment of said contracts with all advantages and liabilities arising thereon, and per centage, except the company were obliged to pay the estimates then due. By this covenant I understand that the State assumed to see that the Company should not be made liable for a failure to carry on the work in the future under the contracts thus assigned. Nothing has been done on these contracts since their assignment to the State, except by Messrs. Brown and Allender, who became assignees of the contract at Bentonsport, and completed their dam, and what has been done by the mill owners at Keosauqua and Croton, in order to preserve their water power.

The contractors at Plymouth notified the Governor that they were ready to proceed, but nothing was done for want of any lands or funds. These contractors have since recovered judgments against the Des Moines Navigation Company for the back per centage, and perhaps for damages by reason of this neglect.

In the act of 1858, diverting the lands which should thereafter be certified to the State under the Des Moines River grant, the State reserved 50,000 acres of land to be applied in the completion of the contracts for the four locks and dams at the points before named, and for the purpose of paying off the debts. The second section of the act also provided that the Keokuk, Ft. Des Moines and Minnesota R. R. Company should pay off the remaining liabilities of the improvement, and complete the locks and dams at points above named, under the contracts assumed by the State, and should receive in installments, the 50,000 acres of land at \$3 per acre as money was so paid or expended by them.

Since the date of said act the Commissioner of the General Land Office has refused to certify to the State any further lands of the grant of 1846, for the improvement of the Des Moines River. Consequently, the Keokuk R. R. Company not being able to derive the anticipated advantage from the act of the General Assembly of 1858, has refused to pay any money or do any work under the contracts for the construction of locks and dams assumed by the State.

In 1860, the General Assembly amended the law of 1858, designating the 50,000 acres of land reserved for the purposes aforesaid, as those next above the lands deeded to the River Company, and when obtained, authorized the Register of the State Land Office to dispose of them for the purposes for which they had been set apart in the act of 1858.

At the December term thereof, 1859, the Supreme Court of the United States delivered an opinion in an agreed case of Litchfield against the Dubuque & Pacific Railroad Company, in the which it is decided that the grant of lands to Iowa in 1846, for the improvement of the Des Moines River, did not embrace any of the lands above the Raccoon Fork of the River, and that the acts of the Commissioner of the General Land Office, under the advice of the Attorney General of the United States, as well as the decision of the Secretary of the Treasury and of the President, did not confer upon the State of Iowa any title under the grant of 1846, to those lands.

Because of this decision, I have not presumed to discuss the question as to the proper construction of the act of 1846, regarding it as thus settled by the weight of authority until reversed. With all due respect, however, to that authority, I desire to say, out of regard for the reputation of my official position, that I do not wish to be understood as concurring in that opinion, in any particular whatever, and more particularly in its geographical and topographical statements upon the length and character of the Des Moines River. It may be that the opinion of the Supreme Court of the United States, that there is no Des Moines River above the Raccoon Fork, may make it so in contemplation of law—but those who are compelled by their daily observation to know the facts in relation to it, might find some difficulty in maintaining the respect due to the Court, if such experiments upon their credulity were too often repeated.

I have carefully examined this case, and although it does decide directly the extent of the original grant to the State for the improvement of the river, it does not by any means decide that the Dubuque & Pacific Railroad Company has any title. This question the Attorneys for the Railroad Company seem carefully to have avoided submitting to the Court. In the agreed statement of facts, the Dubuque & Pacific Railroad Company was stated to be in possession, and the fictitious action was so framed that the plaintiff's title was alone put in issue.

The question I have heretofore suggested whether or not these Des Moines river lands were not taken out of the operation of the grant of 1858 by the clause excepting all lands set apart by any competent authority for works of internal improvement, and the fact that they had been so set apart and withheld from sale by the Commissioner of the General Land Office, does not appear to have been presented to the Court, and certainly is not passed upon by it.

This is a very important consideraton with those who are in posession of land under the deeds of the State, to which these Railroad Companies claim title. The State has not yet issued to these companies any deeds or certificates which are evidences of title to any of the lands in dispute under these conflicting grants, and my first recommendation on this point is that the General Assembly shall prohibit either the Governor or Register of the State Land Office from so doing, and shall also so amend the law defining what shall be evidence of title in the Courts of this State in actions of right or of trespass, as to exclude anything else than a deed duly executed by the State in such cases.

Since the opinion of the Supreme Court in the case of Litchfield against the Dubuque and Pacific Railroad Company, the Congress of the United States has passed several enactments for the purpose of correcting the evils which this decision was likely to entail upon the State. The first act, approved March 3d, 1861, relinquishes to the State the right of the United States to the lands which had been certified to the State above the Raccoon Fork of the Des Moines river. This would make good the titles made by the State to all these lands, except so far as at that time the Railroad Companies whose lines crossed the lands had acquired a vested right thereto. The title made by the State to all the lands lying outside of or rather between the fifteen mile limits of the Railroad grant became absolute by this act. The title also to all the lands deeded by the State lying outside of the six mile limits which had not been selected and approved and certified by the department in lieu of the disposed of lands within the six mile limits became perfect.

By act of Congress, approved July 12th, 1862, the grant of August 18th, 1846, was extended to the northern boundary of the State, and the State was authorized to select lands in lieu of those before disposed of by the United States for other purposes within the limits of the grants. In other words, in lieu of all alternate sections of lands sold by the United States or selected under Railroad or swamp land grants within the five mile limits up to the northern boundary of the State, the State should select of the public lands a like quantity anywhere within the State.

The Act also provides that if the State shall have sold and conveyed any portion of the lands lying within the limits of the grant, the titles to which have proved invalid, any lands which shall be certified to the State in lieu thereof by virtue of the provisions of the Act, shall enure to and be held as a trust fund for the benefit of the person or persons respectively whose titles shall have failed as aforesaid.

This Act also consents to the diversion made to the Keokuk, Ft. Des Moines and Minnesota Railroad Company as provided for in the Act of the General Assembly of 1858.

This grant has been accepted by the State and 300,000 acres of indemnity lands selected under it, but these selections have not yet

been approved and certified to the State. Neither has the Commissioner of the General Land Office yet certified to the State any land under this Act.

The Register of the State Land Office has in his Report recommended that the lands granted and selected by the State under this grant as indemnity lands be patented to the Rail Road Companies when received, acre for acre, as a consideration for the release by those Companies of any claim upon the lands selected by them within the five mile limits of the Des Moines River upon the alternate Sections. The justice and propriety of this proposition must strike every impartial mind, and if the Rail Road Companies have not already attempted to sell or dispose of these lands in such a manner as to leave a cloud upon the title, the State should insist in all good faith upon their acceptance of this proposition. I have however but little faith in any amicable arrangement with these Companies. The very fact that they have persisted in a claim which, if successful, must involve a large class of our citizens in ruin and may occasion civil war in our midst, and that too upon a technical claim of right, in violation of the intention of the State that has dealt so liberally with them, is to my mind conclusive evidence that no other considerations than those of interest can reach them. Fortunately, perhaps, for the State, this consideration can be brought to bear upon them.

The 8th Section of the Act of the General Assembly, approved July 15, 1856, makes the grant to these Companies upon the express condition "that in case either of said Rail Road Companies shall fail to have completed and equipped seventy-five miles of its road within three years from the first of December next, thirty miles in addition each year thereafter for five years, and the remainder of their whole line in one year thereafter, or on the first of December, 1865, then and in that case it shall be competent for the State of Iowa to resume all rights conferred by the Act upon the Company so failing, and to resume all rights to the lands hereby granted and remaining undisposed of by the Company so failing to have the length of road completed in manner and time as aforesaid."

Nearly if not quite all of these Companies failed in the first condition above named, unless the road constructed by them before the grant was made, is counted as a part of the seventy-five miles. The Dubuque & Pacific Road has obtained a release of this forfeiture by Acts of the General Assembly approved March 7 and March 26, 1860.

The second condition of the Grant which requires thirty additional miles of the road to be completed each subsequent year, I am advised, has not been complied with by any of these Railroad Companies. If these Companies, therefore, shall insist upon the law, let them have the full measure thereof until they shall be willing to do and accept of justice. The resumption of these

grants will reinvest the State with all the title and right still remaining in the Railroad Company, and if any innocent purchasers or third persons have acquired any rights in these lands, the Act of resumption cannot affect their title.

The Railroad interests of the State are of great importance and I would not recommend any wanton act of disfavor to them. After the State shall have resumed the lands it will be necessary to dispose of them during the present Session of the General Assembly or they will revert to the United States before the meeting of the General Assembly in 1866. This should be done on such terms as will be just to all the parties interested, and as shall effectually secure the State against all trouble or liability either legal or equitable, growing out of any conflicting titles to any of the lands heretofore granted to her in trust.

If the State shall by this means succeed in accomplishing the recommendation of the State Register and have at her disposition the alternate sections of land upon the Des Moines River to the Northern boundary of the State, the titles to all the lands heretofore sold or deeded by the State to all parties, will be at once perfected. The title to the 50,000 acres set aside to meet the liabilities or debt, as hereinbefore set out, will also be made good, and the remaining lands as contemplated in the Act of 1858, will go to the Keokuk Railroad Company.

Should the State, however, fail to complete the above arrangement, and shall fail to resume them, my first recommendation in regard to evidence of titles is the only remedy for the present, and the 300,000 acres of land selected as indemnity must be held by the State to meet any future contingencies arising.

I would also recommend a Commission to ascertain what further debts or liabilities have accrued against the improvement by reason of the undertaking of the State in assuming the contracts mentioned in the settlements with the Des Moines Navigation Company, carefully guarding against all claims which had otherwise matured at the date of the appointment of the last Commission and which were not presented to it.

With the exceptions of the claims of Brown & Allender, provided for by the last General Assembly, there is now no adequate provision of law for the liquidation of the claims audited by the Commission, under the Act of 1860.

Of the amount audited to Jonas Houghton, I am unfortunately the owner of \$500 by assignment to me for services as his attorney in procuring the judgment originally against the Commissioner of the improvement. Under these circumstances I cannot consistently assume to advise you in relation to these claims.

The only remaining interest to be considered in connection with this complex business is that of the Keokuk and Ft. Des Moines R. R. Company.

The Diversion Act of 1858 pledges the faith of the State to give

them what is left of the Des Moines River Grant, after discharging the other obligations growing out of the connection of the State therewith. In other words this company is the residuary legatee of the Des Moines River Improvement deceased.

The legislation in relation to that Company will of course be somewhat dependent upon the other remedies adopted. The last Act of Congress, however, gives to the State beyond question the alternate sections of land within five miles of the river, and above the limits of the Railroad grants. The indemnity lands as already explained cannot be given to any other purpose until the titles to the land already deeded to the State above the Raccoon fork of the river is secured, to the grantees of the State. Aside from this, you only have the claims to provide for and the work assumed is under your control, as the Keokuk Railroad now declines the contract.

In conclusion, I ask the pardon of the Senate and House if I have made this communication tedious. Its length has been necessary because of the much legislation and numerous difficulties surrounding the subject. I may also repeat here that much that I have written may seem to be without the province of my official duties, but I have only written it because required by the language of your resolutions.

Very respectfully submitted,

CHARLES C. NOURSE.

A communication from the Secretary of State, relating to his contingent fund, was read, and referred to the Committee on Ways and Means.

The President appointed Senators Shippen and Hunt as a Committee on Mileage.

Senator McCrary, of Lee, presented a petition from citizens of Lee county, asking that the salary of the Clerk of the District Court of said county be increased. Referred to the Committee on the Judiciary.

By Senator Foote: A petition from citizens of Des Moines county, asking for a repeal of the present Prohibitory Liquor Law, and the enactment of a license law in its stead.

By Senator McJunkin: A petition from citizens of Washington county, praying that the present liquor law be so amended as to prohibit the sale and manufacture of beer.

By Senator Jennings: A petition from citizens of Dubuque, praying for the repeal of "Prohibitory Liquor Law" and the passage of a general and equitable license law.

By Senator Brayton: A petition from the citizens of Delaware county, praying for the repeal of the "Prohibitory Liquor Law" and the passage of a license law.

By Senator Hunt: A petition from the citizens of Clayton county, praying for the repeal of "Prohibitory Liquor Law" and

the passage of a license law. All of which were referred to the Special Committee on Liquor Law.

By Senator Woolson: A petition from the citizens of Henry county, praying for the passage of a judicious Registration Law for the State. Referred to Committee on Elections.

By Senator Shippen: A petition from the citizens of Monroe county, praying for the amendment of the "Sabbath Law." Referred to Special Committee, consisting of Senators Brown, Wharton and Brunson.

Senator Udell introduced Senate File No. 96: A Bill for an Act supplemental and amendatory to chapter 58 of the Revision of 1860. Read first and second times, and referred to Judiciary Committee.

Senator Boardman introduced Senate File No. 97: A Bill for an Act requiring the Clerks of the several Boards of Supervisors in this State to make report of the school lands within their counties. Read first and second times, and referred to Committee on Schools and School Lands.

Senator McCrary, of Lee, introduced Senate File No. 98: A Bill for an Act relating to the Keokuk, Ft. Des Moines and Minnesota Railroad Company. Read first and second times, and referred to Committee on Railroads.

Senator McCrary, of Lee, introduced Senate File No. 99: A Bill for an Act for the encouragement of Public Libraries. Read first and second times, and referred to Committee on Schools and School Lands.

Senator Moore introduced Senate File No. 100: A Bill for an Act to amend section 1st of chapter 154 of the Acts of the 9th General Assembly. Read first and second times, and referred to Judiciary Committee.

Senator Foote introduced Senate File No. 101: A Bill for an Act to provide for the redemption of "War and Defense Fund Warrants," and for appointing a Commissioner to settle claims against the United States, and fixing his compensation. Read first and second times, and placed on file as report of Committee of Ways and Means, and ordered to be printed.

Senator Foote introduced Senate File No. 102: A Bill for an Act to amend section 1788 of the Revision of 1860. Read first and second times, and referred to Committee on Commerce.

Senator Foote introduced Senate File No. 103: A Bill for an Act defining the further duties of Recorder of Deeds, and his compensation. Read first and second times, and referred to Committee on County and Township Organizations.

Senator McJunkin introduced Senate File No. 104: A Bill for an Act authorizing foreign Administrators and Executors to sue in the courts of this State. Read first and second times, and referred to Judiciary Committee.

Senator Hatch introduced Senate File No. 105: A Bill for an

Act to permanently locate the Asylum for the Deaf and Dumb, and to provide a building therefor. Read first and second times, and referred to Committee of Ways and Means.

Senator Woolson introduced Senate File No. 106: A Bill for an Act to purchase the buildings now used as a Capital, and the lots on which the same is situated, and to secure the School Fund and for other purposes. Read first and second times, and referred to Committee on Ways and Means, and ordered to be printed.

Senator McJunkin introduced a joint resolution, instructing our Senators and Representatives in Congress to use their endeavors to have the time extended, in which the State must erect an Agricultural College. Referred to Committee on Ways and Means.

Senator McCrary, of Lee, offered the following resolution:

Resolved, That the rules of the Senate be amended as follows: Strike out of Rule 13, the words "or resolution" in the first line, and the same words in the seventh line. Also, strike out the same words in the fourth line of Rule 14.

Resolved, That the Secretaries of the Senate shall have all copies of the Rules hereafter printed, in accordance with the foregoing resolution.

Senator Parvin moved that the resolution be amended by inserting before "resolution" in Rule 13 as printed, the word "joint," both in the first and seventh line of said Rule 13; also by adding the word "joint" before "resolution" in the fourth line of Rule 14. Amendment accepted, and resolution adopted.

On request of Senator Woolson leave of absence was granted to Senator Hurley, on account of sickness in his family.

REPORTS ON FILE.

Report of Committee on Incorporation, Senate File No. 19: A Bill for an act to amend chapter 53 of the Revision of 1860, entitled Corporations, other than for pecuniary profit, was taken up and read a third time, and upon the question "Shall the bill pass?"

The yeas were, Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutts, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Shippen, Udell, Wharton and Woolson—37.

The nays were none.

Senator Jennings absent and not excused.

The Bill passed and its title was agreed to.

Report of Committee on Ways and Means on Senate File No. 54: A Bill for an act to locate the executive office, and to provide for official records and to fix the Governor's salary, was taken up, and on motion of Senator McJunkin was made the special order for February 2d, at 11 o'clock a. m.

Report of Committee on Election on Senate File No. 25 : A Bill for an act to amend section 30 of chapter 29, of the Laws of the Extra Session of the Ninth General Assembly, was taken up.

Senator Boardman moved to amend by striking out the words "State Census Board," and insert Governor. Carried.

The Bill was read third time, and on the question "Shall the Bill pass ?"

The yeas were Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Shippen, Udell, Wharton, and Woolson—37.

The nays were Senator Jennings—1

Absent and not excused—Senator McCrary of Lee.

The Bill passed and its title was agreed to.

Report of Committee on Library on Senate File No. 52 : A Bill for an act to appropriate money for the State Library, was taken up and read a third time, and on the question "Shall the Bill pass ?"

The yeas were Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Crookham, Clark, Cutts, Foote, Gray, Gue, Hart, Hogin, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Saunders, Shippen, Wharton and Woolson—30.

The nays were Senators Brown, Clarkson, Flaugh, Hesser, Hilsinger, Jennings, Knoll, Patterson, Ross and Udell—9.

The Bill passed and its title was agreed to.

Report of Committee on Ways and Means on Senate File No. 78 : A Bill for an act to repeal chapter 39, of the Laws of the Extra Session of the Ninth General Assembly, was taken up and Bill read a third time, and on the question, "Shall the Bill pass ?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Saunders, Shippen, Udell, Wharton and Woolson—36.

The nays were Senators Burdick, Jennings and Patterson—3.

Absent without leave—Senator Young.

The Bill passed and its title was agreed to.

On motion of Senator Merrill, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

Report of Committee on Agriculture on S. F. No. 43—A Bill for an Act for taxing dogs and encouraging the raising of sheep—was taken up.

Senator Burdick moved its indefinite postponement. The yeas and nays were demanded, and The yeas were, Senators Burdick, Brunson, Brown, Bridges, Clarkson, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Shippenn, Udell, Wharton, and Young—22.

The nays were, Senators Bassett, Brayton, Boardman, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Jennings, Merrill, Patterson, Parvin, Ross, Saunders, and Woolson—18.

So the Bill was indefinitely postponed.

Report of Committee on Agriculture on S. F. No. 69: A Bill for an Act to amend Chapter 67 of the Revision of 1860, was taken up, and the Bill referred to the Judiciary Committee.

Report of Committee on Charitable Institutions on Senate File No. 46: A Bill for an Act to repeal section 2281 of chapter 98 of the Revision of 1860, was taken up and laid on the table.

Also Report of same Committee on House Resolution relating to the printing of Reports of the officers of the Hospital for the Insane—was taken up, and Resolution concurred in.

On motion of Senator Woolson, Senate File No. 26: A Bill for an Act to extend the elective franchise, was taken from the table, and made a special order for Thursday, February 4th, at 2 o'clock P. M.

Senator Burdick introduced Senate File No. 107: A Bill for an Act to authorize the Governor to release land erroneously approved to the State. Read first and second times, and referred to Committee on Public Lands.

Senator Gue introduced Senate File No. 108: A Bill for an Act providing for the erection of an Arsenal Building. Read first and second times, and referred to Committee of Ways and Means.

Senator McCrary of Lee, from Committee on Judiciary, submitted the following report:

MR. PRESIDENT:—The Committee on Judiciary, to whom was referred House File No. 17: A Bill for an Act for the relief of Catharine Morris, sister of Edward Morris, deceased—have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Also, Senate File No. 32, and the substitute therefor—have had the same under consideration; and, in accordance with instructions, report the same back with the recommendation that the substitute be amended as follows:

Add to Section 1, “And shall also apply to persons in the naval service of the United States from the State of Iowa.”

The petition of the citizens of the independent school district of Brighton, in Washington County, has been under consideration; and I am instructed to report the same back to the Senate and recommend that the prayer of the petitioners be not granted, for the

reason that such an Act as is asked for would, in the opinion of your Committee, be unconstitutional.

Also, Senate File No. 39—A Bill for an Act to repeal Sections 4779 and 4780 of the Revision of 1860, and to provide a substitute therefor—and I am instructed to report the same back to the Senate and recommend its passage.

Also, Senate File No. 82—A Bill for an Act to amend Section 4394 of the Revision of 1860;

Also, Senate File No. 33—Bill for an Act to provide for change of venue in preliminary examinations—and I am instructed to report the same back and recommend their indefinite postponement.

Also Senate File No. 32: A Bill for An Act to amend Sec. 3723 of the Revision of 1860, we have had under consideration and I am instructed to report the same back without amendment and recommend its passage.

Also House File No. 7: A Bill for An Act to amend Chap. 103 of the Acts of the Ninth General Assembly, entitled "An Act for the publication and distribution of the Adjutant General's Report," and I am instructed to report the same back and recommend the adoption of the following amendment: Insert in Sec. 1 after the words "General Assembly" the following: "In addition to the copies heretofore delivered to them," and thus amended they recommend the passage of the Bill.

GEO. W. McCRARY, Chairman.

The Judiciary Committee to whom was referred petition asking that crops be exempt from execution, have had the same under consideration and have instructed me to report the same back with the suggestion that the legislation prayed for therein is unnecessary.

L. W. ROSS, of Judiciary Committee.

Your Committee on Judiciary to whom was referred Senate File No. 30: A Bill for An Act in relation to causes heretofore or hereafter submitted to the several District Courts of this State, and which have been or may hereafter be decided in vacation, have instructed me to report the following substitute and recommend its passage.

Your Committee on Judiciary to whom was referred Senate File No. 45: An Act regulating the taxing and collection of costs in criminal causes, have given the same a careful consideration, and have instructed me to report the same back with the following substitute and recommend that the substitute be adopted and that the same pass.

J. G. PATTERSON, of Committee.

Senator Udell from Committee on Ways and Means submitted the following report:

The Committee of Ways and Means have had under consideration a Bill for an Act to authorize the release of the homestead of certain widows from delinquent taxes.

Your Committee believe it unsafe and inexpedient to pass a general act of this nature as it would lead to great confusion and perhaps fraud upon the State Revenue. I am therefore instructed to report a substitute giving relief to the relict of Dr. Davis who died as your Committee understands in the United States service, testimony having been presented that this is a meritorious case worthy of such relief.

UDELL.

Senator Moore from Committee on Military Affairs submitted the following report:

The Committee on Military Affairs to whom was referred Senate File No. 64: A Bill for An Act to amend Chapter 175 of the Acts of the Ninth General Assembly at its Regular Session, have had the same under consideration and directed me to report the same back without amendment, and recommend its passage.

S. A. MOORE.

Senator Clarkson from Committee on Agriculture submitted the following report:

The Committee on Agriculture to whom was referred Senate File No. 87: An Act to restrain Domestic Animals, have had the same under consideration, and they have directed me to report it back, with a recommendation that it be laid on the table.

C. F. CLARKSON, Chairman.

Senator Woolson from the Committee on Banks submitted the following report:

The Committee on Banks to whom was referred Senate File No. 89, entitled a Bill for An Act to prohibit the circulation of foreign Bank Notes, have duly considered the same and a majority of said Committee have instructed me to report the annexed substitute and recommend its passage.

T. W. WOOLSON, Chairman.

The undersigned members of your Committee on Banks would respectfully beg leave to submit the following minority report on Senate File No. 89: An Act to prohibit the circulation of foreign Bank Bills in this State and the Substitute therefor. Deeming it unwise and impolitic to interfere by legislation with the right of individuals to contract, we would recommend that said Bill and substitute be indefinitely postponed.

J. G. PATTERSON,
J. A. SHIPPEN.

Senator Hogin from Committee on Claims submitted the following:

The Committee on Claims to whom was referred Senate File No. 70, entitled An Act for the relief of certain citizens of Keokuk County, have instructed me to make the following report: Strike out after the Title and insert the following substitute and recommend its passage.

J. C. HOGIN.

Senator Young from Committee on Military Affairs submitted the following report:

The Committee on Military Affairs to whom was referred the petition of Capt. W. Hoyt of Company A, 4th Battalion Southern Border Brigade, have had the same under consideration and being of the opinion that no action of the General Assembly granting the prayer of the petitioner is properly required, have instructed me to report the same back to the Senate with a recommendation that it be laid on the table.

J. B. YOUNG, of Military Com.

Senator Saunders from Special Committee on Ship Canal submitted the following report:

The Special Committee to whom was referred the resolution from the House, relative to a ship canal from the lakes to the Mississippi, and also relative to the improvement of the Upper and Lower Rapids of the Mississippi, would report back to the Senate the following Joint Resolution, as a substitute, and recommend its passage.

The Committee to whom was referred the "Bill for an Act to provide for the preliminary survey of a ship canal route from the State of Iowa, eastward to the Illinois River," would report the same back to the Senate and recommend its passage.

Th. J. SAUNDERS, Ch'm.

Senator Patterson, from Committee on Township and County Organizations, submitted the following report:

Your Committee on Township and County Organizations, to whom was referred Senate File No. 29: A Bill for an Act to amend section 307 of the Revision of 1860, have instructed me to report the same back with a recommendation that it do not pass.

J. G. PATTERSON, Ch'm.

Senator Gray, from the Committee on Engrossed Bills, submitted the following report: The Committee on Engrossed Bills have examined Senate File No. 48: A Bill for an Act to provide for reporting the decisions of the Supreme Court of this State, and find the same correctly engrossed.

G. W. GRAY, Chairman.

BILLS ON THIRD READING.

Senate File No. 11: A bill for an Act to amend section 2193 of the Revision of 1860, relating to bounty on scalps, was read a third time, and on the question, "Shall the bill pass?"

The yeas were, Senators Burdick, Brayton, Brown, Bridges, Crookham, Cutts, Flaugh, Hart, Hogin, Hunt, Hatch, Hilsinger, Jennings, McJunkin, McCrary of Van Buren, McMillan, Patterson, Saunders—18.

The nays were, Senators Bassett, Brunson, Boardman, Clarkson, Clark, Foote, Gray, Gue, Hillyer, Hesser, Knoll, King, McCrary

of Lee, Moore, Parvin, Ross, Shippen, Udell, Wharton, Woolson and Young—22.

The bill did not pass.

Mr. Burdick moved to reconsider the vote just taken.

Mr. Parvin moved to lay the motion to reconsider on the table, and on this question, upon the demand of Mr. Knoll,

The yeas were, Senators Bassett, Boardman, Brown, Gue, Hillyer, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Shippen, Udell and Young—14.

The nays were, Senators Burdick, Brunson, Brayton, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Hart, Hogin, Hesser, Hunt, Hillsinger, Jennings, Knoll, King, McJunkin, Merrill, Patterson, Saunders, Wharton and Woolson—25.

Senator Hatch was absent and not excused.

The motion to table was lost.

The motion to reconsider prevailed.

Mr. Knoll moved to reconsider the vote by which the bill was ordered to its third reading. Carried.

On motion of Senator Ross, the bill was laid on the table.

Senate File No. 33: A Bill for an Act to fix and provide for the salary of the Adjutant General, and to provide a contingent fund therefor, was read a third time, and on the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Crookham, Clark, Foote, Gray, Gue, Hart, Hogin, Hatch, Jennings, King, McCrary of Van Buren, Moore, Merrill, Saunders, Shippin, Udell, Wharton and Young—21.

The nays were, Senators Brayton, Boardman, Brown, Bridges, Clarkson, Cutts, Flaugh, Hillyer, Hesser, Hunt, Hillsinger, Knoll, McJunkin, McCrary of Lee, McMillan, Patterson, Parvin, Ross and Woolson—19.

The bill did not pass.

Senator McCrary, of Lee, moved to reconsider the vote just taken on the passage of the bill. Carried.

Mr. Cutts moved to reconsider the vote by which the bill was ordered to its third reading. Carried.

On motion of Mr. Udell, the bill was made a special order for Thursday, February 11th, at two o'clock, P. M.

Senate File No. 19: A Bill for an act to repeal section 2856 of the Revision of 1860, and to provide a substitute therefor, was read a third time, and on the question "Shall the Bill pass?"

The yeas were Senators Bassett, Burdick, Boardman, Crookham, Cutts, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hillsinger, Jennings, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Shippen, Wharton, Woolson and Young—31.

The nays were Senators Brunson, Brayton, Brown, Bridges, King and Merrill—6.

Absent and not excused were Senators Clarkson, Clark and Udell.

Bill passed and title agreed to.

Messages from the House taken up :

House File No. 8 : A Bill for an Act to provide for the publication and distribution of the Adjutant General's Report for 1863, read first and second times, and on motion of Senator Burdick referred to Committee on Military Affairs.

House File No. 26 : A Bill for an Act to amend chapter 173 of the Revision of 1860, read first and second and referred to Judiciary Committee.

House resolutions relating to the extinguishment of title of rebel land owners to lands in this State and on motion of Senator McCrary of Van Buren, the resolutions were referred to Committee on Federal Relations.

House resolutions on furnishing officers and members of the General Assembly with Supreme Court Reports, taken up.

On motion of Senator Gue the resolution was amended by inserting "doorkeeper."

On the adoption of resolution Senator Woolson demanded the yeas and nays.

The yeas were Senators Burdick, Brunson, Boardman, Clarkson, Cutts, Foote, Flaugh, Gray, Gue, Hogin, Hesser, Hatch, Jennings, King, McJunkin, McCrary of Lee, Moore, McMillan, Patterson, Ross, Saunders, Shippen and Udell—23.

The nays were Senators Bassett, Brayton, Brown, Bridges, Crookham, Clark, Hart, Hillyer, Hunt, Hilsinger, Knoll, McCrary of Van Buren, Merrill, Parvin, Wharton and Woolson—15.

Senator Young was absent and not excused.

Resolution was concurred in.

House File No. 3 : A Bill for an act in relation to the collection of taxes in Lee county, was read a first and second time ; rule suspended and read a third time, and on the question, "Shall the Bill pass ?"

The yeas were Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Shippen, Udell, Wharton and Woolson—38.

The nays were Senator Hilsinger—1.

The Bill passed and title agreed to.

On motion of Senator Udell, Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, February 2d, 1864.

Senate convened at 10 o'clock A. M.

Prayer by Rev. Thomas McCague.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Senator Roberts presented a petition from citizens of Madison County to abolish the Supervisor and Assessor Systems, and establish County Commissioners and County Assessor.

Senator Flaugh presented a petition from S. N. Lindley and others, praying for the abolition of the Supervisor System, and the creating of the Commissioner System. Referred to Committee on County and Township Organizations.

Senator Flaugh presented a petition from citizens of Jasper Co., praying for the passage of a law requiring all stock to be herded or confined during the night season. Referred to Committee on Agriculture.

Senator Hunt presented petition from citizens of Wapello Co., asking the repeal of the Prohibitory Liquor Law and the enacting of a License Law. Referred to Committee on Liquor Law.

INTRODUCTION OF BILLS.

By Senator Hatch, S. F. No. 109: A Bill for an Act to amend Section 1091 of the Revision of 1860, in relation to the incorporation of cities and towns. Read first and second time and referred to a select committee, consisting of Senators Woolson, Hatch and Ross.

By Senator Brunson, S. F. No. 110: A Bill for an Act to prevent swine from running at large in the State. Read first and second times and referred to Committee on Agriculture.

By Senator Ross, S. F. No. 111: A Bill for an Act to amend Section 777 of the Revision of 1860. Read first and second times and referred to Committee of Ways and Means.

By Senator Woolson, S. F. No. 112: A Bill for an Act defining "fraud" in certain cases and providing punishment therefor. Read first and second times and referred to Judiciary Committee.

By Senator Clark, S. F. No. 113: A Bill for an Act authorizing the Trustees of the State University to sell saline lands, and for other purposes. Read first and second times, and referred to the Committee on University and University Lands, and ordered to be printed.

REPORTS OF COMMITTEES.

Senator Foote, from Committee of Ways and Means, submitted the following:

MR. PRESIDENT:—The Committee of Ways and Means, to whom was recommitted Senate File No. 10, entitled "A Bill for an Act in relation to the salaries of certain officers, and to provide for contingent expenses," have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its passage.

By Senator Clarkson, from the Committee on Agriculture, the following report:

The Committee on Agriculture, to whom was referred Senate File No. 77: A Bill for an Act to prohibit certain male stock from running at large, have had the same under consideration, and submit the following amendments:

Strike out all after the word "pay" in ninth line of section 1, and insert the following: "All damages done by said animals, and the costs of distraining, keeping, advertising, and selling, and all the costs not herein specified resulting from so distraining said animals, to the person aggrieved.

Amend section 2 by striking out all after the word "by" in twelfth line, to the word "and" in the eighteenth line, and insert in place thereof, "The fence viewers of the township in which the damages are done, or the animals distrained;" and thus amended, recommend the passage of the Bill.

By Senator Crookham, from Committee on Claims, the following report:

The Committee have had under consideration the claim of Charles Fitch, for services as Assistant Surgeon of the 4th Iowa Cavalry, and recommend that it be not allowed.

By Senator Hillyer, from Committee on Roads, the following report:

The Committee on Roads, to whom was referred Senate File No. 88, have had the same under consideration, and would report the same back to the Senate, with a recommendation that it lie upon the table and be printed.

The Committee also submit a substitute for Senate File No. 16—A Bill for an Act to amend sections 829 and 840 of the Revision of 1860—and recommend its passage.

BILLS ON THEIR THIRD READING.

Senate File No. 48: A Bill for an Act to provide for reporting the decisions of the Supreme Court of Iowa, was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh,

Gray, Gue, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Woolson—37.

The nays were, Senators Bridges and Parvin—2.

The Bill passed and its title was agreed to.

The President announced that the hour for the consideration of Senate File No. 54: A Bill for an Act to permanently locate the Executive Office, provide for Official Records, and fix the Governor's salary, had arrived.

The Bill was then taken up, and on motion of Senator Patterson the words "Daily Register" was stricken out, and "Iowa State Register" inserted.

On motion of Senator Woelson the Bill was made a special order for February 9, at 11 o'clock A. M.

Senator McCrary of Lee offered the following resolution, which was adopted:

Resolved by the General Assembly of the State of Iowa, That John B. Gough be and he is hereby invited to visit Des Moines, and favor the citizens of this City with one or more lectures, during the present Session of the General Assembly.

The following message was received from the House of Representatives:

MR. PRESIDENT: I am instructed to inform your honorable body that the House has passed the following Bills, in which the concurrence of the Senate is respectfully requested:

House File No. 34—A Bill for an Act to provide for issuing and serving certain legal processes on Sunday.

Also House File No. 52—A Bill for an Act supplemental to an Act, entitled an Act, for the benefit of Railroad Companies.

Also House File No. 42—A Bill for an Act entitled an Act, to amend Section 4779 and 4780 of the Revision of 1860, relating to peremptory challenges in criminal cases.

Also House File No. 53—A Bill for an Act to provide for the appointment of Commissioners to settle with certain sureties of James D. Eads, late Superintendent of Public Instruction, and conferring certain powers upon said Commissioners.

Also substitute for House File No. 19—A Bill for an Act to repeal Chapter 72, of Acts of the 3d General Assembly.

Also House File No. 11—An Act to repeal Chapter 11, Acts of Extra Session, 8th General Assembly entitled an Act for the relief of volunteers who have been, or may be mustered into service of the United States Government.

The House has ordered the printing of 300 copies of the Opinion of the Attorney General relative to the resumption of lands granted by the State for railroad purposes.

Also, that the House has passed the following Concurrent Resolutions:

Resolved by the House of Representatives, the Senate concurring,
That we heartily endorse the suggestion made in Congress fixing
a uniform time for the election of members of Congress, and al-
lowing all soldiers to vote for Presidential Electors, who are enti-
tled to the same by the laws of the State to which they belong.

Resolved, That a copy of the above Resolution be forwarded by
the Secretary of State to each of our Senators and Representatives
in Congress.

Also the following:

*Be it resolved by the House of Representatives the Senate concur-
ring,* That there be appointed a committee of two on the part of
the House and one on the part of the Senate, to visit the Blind
Asylum at Vinton, and examine into the condition of the institu-
tion, and report at their earliest possible convenience.

In which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk of House.

Messages from the House of Representatives were taken up, and
House Substitute for Senate File No. 5 : A Bill for an act to repeal
section 7, chapter 17 Acts of the Regular Session of the Ninth
General Assembly, was ordered printed.

Substitute for House File No. 19 : A Bill for an act to repeal
chapter 72 of the acts of the Third General Assembly, was read
first and second time, and on motion of Senator Woolson the 11th
rule was suspended and Bill read a third time. On the question
“shall the Bill pass ?”

The yeas were, Senators Bassett, Burdick, Brunson, Brayton,
Boardman, Bridges, Clarkson, Crookham, Cutts, Foote, Flaugh,
Gray, Gue, Henderson, Hogin, Hillyer, Hesser, Hunt, Hatch, Hil-
singer, Jennings, King, McCunkin, McCrary of Lee, McCrary of
Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross,
Roberts, Saunders, Shippen, Udell, Wharton, and Woolson—36.

The nays were, Senators Clark, Hart, and Knoll—3.

The Bill passed and its title was agreed to.

House File No. 52: A Bill for an Act supplemental to an Act
entitled an Act for the benefit of Railroad Companies, was read
first and second time, and referred to Committee on Railroads.

House File No. 34: A Bill for an Act to provide for issuing and
serving certain legal processes on Sunday, was read first and sec-
ond time, and referred to Committee on Judiciary.

House File No. 42: A Bill for an Act entitled an act to amend
sections 4779 and 4780 of the Revision of 1860, relating to per-
emptory challenges in criminal cases, was taken up, read first and
second time, and referred to Judiciary Committee.

House File No. 11: A Bill for an Act to repeal Chapter 11 of
Acts of the Extra Session of the 8th General Assembly, entitled
an Act for the relief of volunteers who have or may be mustered
into the service of the United States Government, was read first
and second time, and referred to Committee on Military Affairs.

Substitute for House File No. 53: A Bill for an Act to provide for the appointment of Commissioners to settle with certain sureties of James D. Eads, late Superintendent of Public Instruction, and conferring certain other powers on said Commissioners, was read first and second time, and referred to Committee on Schools and School Lands.

The House Resolutions relating to the suggestions in Congress for fixing a uniform time for the election of Congressmen, and allowing the soldiers to vote for Presidential Electors who would be entitled to vote for them by the laws of the State to which they belong, was taken up, and on motion of Senator Woolson, was amended by striking out "Resolved by the House, the Senate concurring," and inserting, "Resolved by the General Assembly of the State of Iowa."

On the question, "Shall the resolution be concurred in?" Mr. Jennings demanded the yeas and nays:

The yeas were, Senators Burdick, Brunson, Brayton, Boardman, Clarkson, Crookham, Clark, Cutts, Foote, Flauth, Gue, Hart, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Wharton and Woolson—30.

The nays were, Senators Bassett, Bridges, Clark, Gray, Hogin, Hesser, Jennings, Knoll and Udell—9.

The resolution was concurred in.

The House resolution appointing a Committee to visit the Blind Assylum was taken up and referred to Committee on Charitable Institutions.

Senator McCrary of Lee, moved that when the Senate adjourn it be until Wednesday morning at 10 o'clock. Carried.

UNFINISHED BUSINESS.

Report of Judiciary Committee on Senate File No. 45: A Bill for an Act regulating the taxation and collection of costs in criminal cases, was taken up.

Senator Woolson moved to amend the substitute reported by the Committee by striking out the publication clause. Carried.

On motion of Senator Wharton the Bill was ordered to lie on the table and be printed.

On motion of Senator Shippen the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, February 3d, 1864.

Senate convened at 10 o'clock, A. M.

Prayer by Rev. Thomas McCague.

Journal of yesterday was read and approved.

Senators Kesser and King were granted leave of absence on account of sickness in their families.

PETITIONS AND MEMORIALS.

By Senator Henderson: A petition from John A. Hull in regard to Town Corporations. Referred to Committee on Incorporations.

INTRODUCTION OF BILLS.

By Senator McJunkin: Senate File No. 114: A Bill for an Act legalizing the acts of A. H. Patterson a Notary Public of Washington County. Read first and second times and referred to Judiciary Committee.

By Senator Crookham: Senate File No. 115: A Bill for an Act to repeal Section 5099 of the Revision of 1860. Read first and second times and referred to Judiciary Committee.

By Senator McCrary of Lee: Senate File No. 116: A Bill for an Act in relation to the Guardianship of Minors. Read first and second times and referred to Judiciary Committee.

RESOLUTIONS.

Senator Foote offered the following:

Resolved by the General Assembly of the State of Iowa, That a Committee of two from the Senate and two from the House, with the Auditor and Treasurer of State, be appointed to destroy all the unsold and useless Bonds of the State, and that each Committee report to its own respective House the number and amount of Bonds so destroyed.

Senator McCrary of Lee, from Judiciary Committee, submitted the following report:

MR. PRESIDENT:—Your Committee on the Judiciary to whom was referred House File No. 34: A Bill for an Act to provide for issuing and serving certain legal process on Sunday, have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

House File No. 26: Bill for an Act to amend Chapter 173 of the Revision of 1860, concerning offenses against public health. I am instructed to report back without amendment and recommend its passage.

GEO. W. McCRARY, Chairman.

By Senator Patterson: Your Committee on Judiciary to whom was referred Senate File No. 85: A Bill for an Act to provide for the compensation of printers for publishing legal notices in certain cases, instruct me to report the accompanying substitute and recommend its passage.

By Senator Foote:

MR. PRESIDENT:—The Committee on Ways and Means to whom was referred a Joint Resolution asking for an extension of time allowed by the Act of Congress to complete buildings necessary to secure the Grant of Land to the Agricultural College, have considered the same, and have instructed me to recommend its passage.

JOHN G. FOOTE, Chairman.

By Senator Clarkson: The Committee on Agriculture to whom was referred Senate File No. 58: A Bill for an Act concerning division fences in certain cases, have examined the same, and have directed me to report it back to the Senate, with a recommendation that it be indefinitely postponed.

C. F. CLARKSON, Chairman.

By Senator Brunson: The Committee on Military Affairs to whom was referred House File No. 8: A Bill for an Act entitled an Act to provide for the printing and distribution of the Adjutant General's Report, have had the same under consideration and recommend the following amendments and as amended recommend its passage. Amend the title of Bill in the 4th line inserting "1864" for "1863," also in 10th line 1st page "1864" for "1863." Amend 6th line on 3d page, before the word "there," insert "Section 3." Amend 14th line on 3d page, before the word "the" insert "Section 4." Amend the 1st line on 4th page, by striking out "five hundred" and insert "twelve hundred."

By Senator Boardman: The Committee on Schools and School Lands have had under consideration Senate File No. 99: "A Bill for an Act for the encouragement of public Libraries," and recommend that, in the last line, preceding the word "volumes," that the blank be filled by "200," and that the bill thus amended be passed.

Also, Senate File No. 97: "A Bill for an Act requiring reports from the Clerks of the several Boards of Supervisors in the State, concerning School Lands," we have had under consideration, and recommend its passage.

House File No. 53, and substitute: A Bill for an Act to provide for the appointment of Commissioners to settle with certain sureties of James D. Eads, late Superintendent of Public Instruction, and confer certain other powers upon said Commissioners, we have had under consideration, and recommend that the substitute be passed without amendment.

The Committee on Schools and School Lands, having had Senate File No. 60 under consideration, respectfully report the same back

to the Senate, together with a substitute for the bill, and recommend the passage of said substitute.

TH. J. SAUNDERS,

On behalf of Com.

By Senator Roberts: The Committee to whom was referred a Bill for an Act supplemental to an Act for the benefit of Railroad Companies, have had the same under consideration, and have instructed me to recommend its passage.

B. F. ROBERTS,

Chairman of the Railroad Com.

By Senator Woolson: The Committee on Township and County Organization have had under consideration Senate File No. 36, entitled an Act to amend section two, chapter 178, of the laws of the Ninth General Assembly, in relation to City and Town Assessors, and have instructed me to report the accompanying substitute, and recommend its passage.

T. W. WOOLSON.

By Senator Parvin: Your Committee have examined Senate File No. 92: A Joint Resolution appointing Trustees of the Hospital for the Insane.

Also, Senate File No. 56: A Bill for an Act to abolish the office of Surgeon General of the State, and find the same correctly enrolled.

J. A. PARVIN, Ch'm.

By Senator Woolson, from Select Committee: The Select Committee to whom was referred Senate File No. 109, entitled "An Act to amend section 1091 of the Revision of 1860," have had the same under consideration, and have instructed me to report the accompanying substitute, and recommend its passage.

T. W. WOOLSON.

By Senator Shippen, from select Committee on Mileage: Your Committee on Mileage have had the same under consideration, and instructed me to make the following report: The law fixes the rate of mileage at three dollars for every twenty miles traveled by each member in going to and returning from the place where the session of the General Assembly is held. Many of the members represent that they were compelled, from the impassable condition of the roads, to travel many, and *some* even hundreds of miles further than the route fixed by law, which is the nearest traveled route. This makes the aggregate much larger than if calculated by the nearest traveled route. These facts your Committee submit for the consideration of the Senate. Herewith is also submitted a schedule with the names of all the Senators, and the number of miles reported by them respectively:

NAMES.	NO. OF MILES.
E. W. Eastman,	160
G. W. Bassett,.....	180
M. V. Burdick,.....	900
H. S. Brunson,.....	768

NAMES.	NO. OF MILES.
J. M. Brayton,.....	406
N. Boardman,.....	440
Z. Brown,.....	100
C. G. Bridges,.....	200
C. F. Clarkson,.....	190
J. A. L. Crookham,.....	120
E. Clark,.....	260
M. E. Cutts,.....	190
J. W. Dixon,.....	200
J. G. Foote,.....	340
E. Flaugh,.....	100
G. W. Gray,.....	900
B. F. Gue,.....	380.
L. W. Hart,.....	460
H. C. Henderson,.....	120
J. C. Hogin,.....	200
J. S. Hurley,.....	300
L. W. Hillyer,.....	460
F. Hesser,.....	380
B. T. Hunt,.....	750
J. H. Hatch,.....	20
J. Hilsinger,.....	480
J. D. Jennings,.....	600
F. M. Knoll,.....	620
W. B. King,.....	160
J. F. McJunkin,.....	250
G. W. McCrary, of Lee,.....	330
A. H. McCrary, of Van Buren,.....	800
S. A. Moore,.....	280
Thos. McMillan,.....	92
P. G. C. Merrill,.....	40
J. G. Patterson,.....	712
J. A. Patwin,.....	340
L. W. Ross,.....	300
B. F. Roberts,.....	70
Thos. J. Saunders,.....	380
D. P. Stubbs,.....	240
W. C. Shippen,.....	190
Nathan Udell,.....	300
Henry Wharton,.....	380
T. W. Woolson,.....	290
J. B. Young,.....	280

On motion of Senator Foote, the report was amended by adding the mileage of Lieutenant-Governor Needham, and that he be allowed the same mileage as that of the Senator from Mahaska.

The report of the Committee was adopted.

On motion of Senator Ross, the Report of the Committee was

referred to the Committee on Ways and Means, with instructions to report a Bill.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following Senate Resolution:

Resolved by the Senate, the House of Representatives concurring, That the State Printer be and he is hereby required to furnish the State Binder with 250 copies of all documents in pamphlet form, printed at this session for the use of the House and Senate of the General Assembly, provided the same can be had without republication, who shall cause the same to be bound in one volume with leather backs and tips, and paste-board sides; and that one copy shall be delivered to each member and officer of this General Assembly, ten copies to the State Historical Society, ten copies to the State Library, and the remainder deposited in the office of Secretary of State: provided, however, that the cost of binding shall not exceed fifty cents per copy; with the following amendment: Strike out "250" and insert "300." In which, the concurrence of the Senate is asked.

Also, that the House has passed the following substitute for the Senate's Resolution of invitation to Mr. J. B. Gough:

Resolved by the General Assembly of the State of Iowa, That John B. Gough is respectfully invited to address this General Assembly during its present session; in which, the concurrence of the Senate is asked.

Also, that the House has concurred in the Senate's amendments to the House Resolution approving the policy of allowing our soldiers to vote for Presidential Electors.

Also, that the House has passed substitute for House File Nos. 25 and 15: "An Act further providing for the election of certain officers, and for the filling of vacancies," in which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk H. R.

The House substitute for the Senate Resolution inviting John B. Gough to address this General Assembly during the present Session, was taken up.

Senator Hunt moved that the Senate concur in the substitute.

Senator Jennings demanded the yeas and nays.

The yeas were Senators Bassett, Brunson, Brayton, Boardman, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Henderson, Hillyer, Hunt, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Roberts, Saunders, Shippen, Wharton and Woolson—27.

The nays were Senators Burdick, Brown, Gray, Gue, Hart, Hogin, Hilsinger, Jennings, Knoll, Merrill, Patterson and Udell—12.

The substitute was adopted.

The House amendment to the Senate Resolution for binding doc-

uments for the use of members of the General Assembly was taken up and concurred in.

Substitute for House File Nos. 15 and 25 : A Bill for an act further providing for the election of certain officers and for the filling of vacancies, was taken up. Read first and second times and referred to Committee on Elections.

REPORTS ON FILE.

Senate File No. 53 : A Bill for an act supplemental to an act to legalize appropriations made by Boards of Supervisors for the payment of bounties for enlistments, &c., was taken up. Senator Henderson moved to re-commit to the Judiciary Committee.

On motion of Senator Ross the Bill was laid on the table.

Senate File No. 30 : A Bill for an act in relation to causes heretofore or hereafter submitted to the several District Courts of this State and which have been or may hereafter be decided in vacation.

On motion of Senator Woolson the Bill was referred to a select committee consisting of Senators Cutts, McCrary of Lee and Woolson.

Senator Henderson offered the following resolution which was adopted :

Resolved, That the Secretary of State be, and he hereby is, authorized to so re-arrange the desks of the Senate Chamber, if practicable, as to admit of the construction of a railing between the passage from the doors and the outer tiers of seats, and construct such railing.

Senate File No. 95 : A Bill for an act to provide for a preliminary survey of a Ship Canal route from this State eastward to the Illinois River, with the report of the select committee thereon, was taken up.

On motion of Senator Ross the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

Senator Ross offered the following resolution which was adopted:

Resolved by the General Assembly of the State of Iowa, That Mrs. Anna Wittenmeyer be requested to address the General Assembly on Saturday evening, upon the Sanitary condition and wants of our citizen soldiers in the field.

On motion of Senator Ross Senate File No. 95 (which Bill was before the Senate at the time of adjournment) was amended by adding to the first section the following words : " provided that the State of Iowa shall not be held for the payment of the expense of said survey beyond the sum of money appropriated by this act.

The Bill was read a third time and on the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Crookham, Clark, Cutts, Foote, Flaugh, Gue, Hart, Hogin, Hillyer, Hunt, Hatch, Hilsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Shippen, Udell and Wharton—30.

The nays were Senators Burdick, Brown, Gray, Henderson, Jennings, Knoll and Patterson—7.

Absent and not excused—Senators Clarkson and Woolson.

The Bill passed and its title was agreed to.

Report of the special committee on House Resolution upon the subject of a Ship Canal, was taken up and the substitute reported by the committee was adopted.

Upon the adoption of the Resolution Senator Wharton demanded the yeas and nays.

The yeas were Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Jennings, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Woolson—36.

The nays were, Senators Burdick, Henderson and Woolson—3.
The Resolution was concurred in.

The report of Judiciary Committee on House File No. 17: A Bill for an act for the relief of Catharine Morris, sister of Edward Morris, deceased, was taken up and read a third time, and on the question “Shall the Bill pass?”

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hatch, Hilsinger, Jennings, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Shippen, Udell and Wharton—35.

The nays were, none.

Absent and not excused were, Senators Burdick, Hunt, Patterson and Woolson.

The Bill passed and its title was agreed to.

Substitute for Senate File No. 32: A Bill for an Act to amend section 1st, chapter 109, of the laws of the State of Iowa, passed at the Regular Session of the 9th General Assembly, entitled an Act to repeal chapter 7 of the laws of the State of Iowa, passed at the Extra Session of the 8th General Assembly, entitled an Act for the relief of the volunteer soldiers of this State, was taken up, and the amendments proposed by the Judiciary Committee were adopted.

On motion of Senator Woolson the following was adopted as an additional section, to substitute: “Section 8. The Act hereby amended shall be so construed by all courts as to require the continuance to be granted whenever it shall appear satisfactory in

any manner to the court, that the defendant is in the said military or naval service, notwithstanding no appearance is entered in behalf of such defendant." The substitute was adopted.

Bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Woolson—36.

The nays were, none.

Absent and not excused were, Senators Burdick, Clarkson and Jennings.

The Bill passed and its title was agreed to.

The report of the Judiciary Committee on a petition of Independent School District of Brighton in Washington county that the prayer be not allowed, was adopted.

Report of same committee on Senate File No. 39: A Bill for an Act to repeal sections 4779 and 4780 of Revision of 1860, and to provide a substitute therefor, was taken up and the Bill read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Jennings, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Woolson—39.

The nays were, none.

Bill passed and title agreed to.

On motion of Senator Udell Senate adjourned.

SENATE CHAMBER,
Des Moines, February 4th, 1864.

The Senate convened at 10 o'clock A. M.

Prayer by the Rev. Dr. Peet.

Journal of yesterday was read and approved.

Senator Jennings was granted leave of absence on account of sickness in his family.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Honorable Senate that the House of Representatives has passed Senate File No. 18:

"A Bill for an Act to increase the number of Judges of the Supreme Court, and for other purposes," with the following amendment:

Strike out Section 6, and insert in lieu thereof, the following:

"This Act being deemed by the General Assembly of immediate importance, shall be in force from and after its publication in the Daily State Register and the Iowa Homestead."

Also House substitute for Senate File No. 84: "A Bill for an Act to authorize the State Treasurer to procure a safe for his office."

Also Senate File No. 76: "A Joint Resolution of Instructions to our Senators and Representatives in Congress in relation to pensions of widows of Chaplains in the army," with the following amendment:

After the word "Chaplains" add the words "and Surgeons."

Also Senate File No. 49: "A Bill for an Act changing the rate of interest on warrants on the State Treasurer," without amendment.

Also that the House has indefinitely postponed substitute for Senate File No. 38, entitled "A Bill for an Act fixing the time for holding Courts in the Sixth Judicial District."

And passed substitute for House File No. 16: "A Bill for an Act to regulate Grist Mills and define the duties of millers and mill owners."

Also substitute for House File Nos. 48 and 49: "A Bill for an Act authorizing and requiring the sale or exchange of specie in the State Treasury."

Also House File No. 60: "A Bill for an Act to extend the provisions of Article 4, Chapter 54, of the Revision of 1860, so as to apply to the construction of mill races."

Also House File No. 35: "A Bill for an Act providing for canvassing the votes for Senators and Representatives in the General Assembly, elected by districts composed of more than one county."

In which the concurrence of the Senate is respectfully asked.

J. RICH, Chief Clerk H. R.

On motion of Senator Boardman, the vote on the final passage of House File No. 17: "A Bill for an Act for the relief of Catharine Morris, sister of Edward Morris, deceased," was reconsidered.

On motion of Senator Boardman, the vote by which the Bill was ordered to a third reading was reconsidered.

On motion of Senator Burdick, the Bill was made the special order for February 8th, at 2 o'clock, P. M.

Senator Foote submitted the following report from the Committee on Ways and Means:

MR. PRESIDENT:—The Committee on Ways and Means, to whom was referred the report of the Committee on Mileage, with instructions to report a Bill for an appropriation for the payment of the mileage as reported, have instructed me to report the accompanying Bill, and recommend its passage.

JOHN G. FOOTE, Chairman.

The Bill reported by the Committee being Senate File No. 117: A Bill for an Act making appropriation for payment of the mileage of the members of the Tenth General Assembly was read first and second times, the rule suspended, and the Bill read a third time, and on question, "Shall the Bill pass?"

The yeas were Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Crookham, Clark, Cutts, Foote, Flauth, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Woolson—37.

The nays were Senator Clarkson—1.

The Bill passed and title was agreed to.

Leave was granted to take up House substitute for Senate File No. 84: A Bill for an Act to authorize the State Treasurer to purchase a safe for his office.

On the question, "Shall the House substitute be adopted?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flauth, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippin, Udell, Wharton and Woolson—38.

The nays were, none.

The substitute was adopted.

PETITIONS AND MEMORIALS.

By Senator McCrary of Lee: Petitions of O. H. P. Scott, Peter Tobias, H. K. Love & Co., for payment of back per centage on their contracts for the construction of a Lock and Dam on Des Moines river at Plymouth, Iowa. Referred to special Committee on Des Moines River Lands.

By Senator Saunders: A petition from the citizens of Scott County asking the repeal of the present "so called Prohibitory Liquor Law" and the passage of license law. Referred to Committee on Liquor Law.

By Senator Crookham: A petition from the citizens of Makaska County asking that the "so called Prohibitory Liquor Law" be repealed, and a license law enacted in its stead. Referred to special Committee on Liquor Law.

By Senator Bassett: The petition of Theodore Hawley asking a change in the statutes relating to taking acknowledgement of deeds and conveying real estate. Referred to Judiciary Committee.

By Senator Patterson: A petition from J. B. Powers in relation to a change in Judicial Districts. Referred to Committee on Judicial Districts.

INTRODUCTION OF BILLS.

By Senator Brayton, Senate File No. 118: A Bill for an Act authorizing public officers to charge additional fees in certain cases. Read first and second times and referred to Judiciary Committee.

REPORTS ON FILE.

Report of Committee on Judiciary, on Senate File No. 82: A Bill for an Act to amend Section 4394 of the Revision of 1860 was taken up, and indefinitely postponed.

Report of Judiciary Committee on Senate File No. 73: A Bill for an Act to provide for a change of venue in preliminary examinations was taken up, and Bill indefinitely postponed.

Report of Judiciary Committee on Senate File No. 72: A Bill for an Act to amend Section 3723 of the Revision of 1860 was read a third time, and on the question "Shall the Bill pass?"

The yeas were, Messrs. Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell and Wharton—37.

The nays were none.

Senator Woolson was absent and not excused.

Bill passed and title was agreed to.

Report of Judiciary Committee on House File No. 7: A Bill for an Act to amend Chapter 103 of the Act of the 9th General Assembly, entitled an Act to provide for the publication and distribution of the Adjutant General's Report was taken up, and the amendment proposed by the Committee was adopted.

Senator Hart moved to amend Section 2, so as to allow the members of the present General Assembly but one copy of said Report. Lost.

Senator Wharton moved to adjourn. Lost.

The Bill was made a special order for Monday next at 10 o'clock A. M.

The following message was received from the House:

MR. PRESIDENT: I am instructed to inform your honorable body, that the House of Representatives have adopted the following concurrent resolution, in which the concurrence of the Senate is respectfully asked:

Resolved by the House, the Senate concurring, That a Joint Committee of both Houses, consisting of three on the part of the House and two on the part of the Senate, be appointed to draft a memorial, asking Congress to extend the time to which the State is restricted in the building of an Agricultural College or Colleges, to

secure the donation of lands granted to the State for an endowment of said College or Colleges.

Also, that the House has concurred in the Senate's resolution inviting Mrs. Anna Wittenmyer to address the General Assembly.

Also, that the House has concurred in the Senate's amendment to the House Resolution, distributing the Supreme Court Reports, including "Doerkeepers."

Senator Hunt offered the following resolution:

Resolved by the Senate, That the Secretary of State be requested to furnish at his earliest convenience a full statement of all facts connected with the distribution of the Adjutant General's Report of 1863 to the members of the 9th General Assembly. Adopted.

On motion of Senator Ross, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

President announced that the hour had arrived for the consideration of special order, Senate File No. 26: A Bill for an Act to extend the elective franchise.

Senator Hunt moved the Senate go into Committee of the Whole on the special order. Carried.

The Senate then went into Committee of the Whole, Senator McCrary of Lee in the Chair.

At 4 o'clock, P. M., the Committee arose, reported progress and asked leave to sit again. Leave not granted.

On motion of Senator Brayton the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, February 5th, 1864.

Senate convened at 10 o'clock A. M.

Prayer by Rev. Dr. Peet.

Journal of yesterday read and approved.

Senator Foote offered the following resolution which was adopted:

Resolved, That the Secretary of the Senate be directed to procure a cabinet suitable for the storage of Stationery, Printed Bills and other papers coming into his hands, the same to be placed in this Chamber.

PETITIONS AND MEMORIALS.

By Senator Bassett: A memorial to Congress and Joint Reso-

lution asking a change in the law of Congress approved July 1st, 1862, entitled an Act to aid in the construction of a Railroad and Telegraph line from the Missouri River to the Pacific Ocean, relating to the route of the Sioux City Branch of said road. Referred to Special Committee of five consisting of Senators Bassett, Brayton, Hunt, Roberts and Saunders.

Leave of absence was granted to Senator Gue for a few days.

Senator Clarkson presented a memorial from J. M. Clark of Candor, Pennsylvania, asking for protection of lands in Des Moines River Grant. Referred to Special Committee on Des Moines River Lands.

By Senator Hilsinger: The petition of M. Hein et. al., asking for the repeal of the Prohibitory Liquor Law. Referred to Committee on Liquor Law.

Senator Wharton presented two petitions from citizens of Cedar county, asking the repeal of the "Prohibitory Liquor Law." Referred to Committee on Liquor Law.

Senator Henderson presented the memorial of John Humlong, in regard to restraining stock, &c. Referred to Committee on Agriculture.

INTRODUCTION OF BILLS.

By Senator Woolson, Senate File No. 119: A Bill for an Act authorizing municipal authorities to discriminate in favor of farming lands within corporate limits, in imposing taxes for city or town purposes. Read first and second times, and referred to Committee on Corporations.

By Senator Woolson, Senate File No. 120: A Bill for an Act to exempt farming lands situated within the limits of cities and incorporated towns, from taxation for ordinary city or town purposes. Read first and second times, and referred to Committee on Corporations.

By Senator Ross, Senate File 121: A Bill for an Act to resume certain lands, interests, rights, powers, and privileges, granted to the State of Iowa by the United States, and by the State of Iowa conditionally conferred upon certain railroad companies. Read first and second times and referred to Committee on Railroads, and ordered printed.

By Senator Crookham, Senate File No. 122: A Bill for an Act to amend section 3304 of the Revision of 1860, in relation to exemption. Read first and second times and referred to Judiciary Committee.

Senator Hart introduced the following resolution:

Resolved, by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives requested to use their best endeavors to provide for the colonization of the freed blacks of this country, upon some portion of the

territory reclaimed from the rebels. Read first and second times and referred to Committee on Federal Relations.

Senator Bassett offered the following resolution, which was adopted:

Resolved, That the Register of the State Land Office be requested to inform the Senate whether any of the lands sold by John Toleman, School Fund Commissioner of Webster county, have been certified by the Commissioner of the General Land Office to the Dubuque and Sioux City Railroad Company, or approved by the Secretary of the Interior as railroad lands. And if so the amount thereof and date of approval.

Senator Foote offered the following resolution, which was adopted:

Resolved, That from and after this, the 5th day of February, the members of the Senate pre-pay their letter postage out of the postage stamps now furnished them, and that a copy of this resolution be forwarded to Post-Masters of this city and General Assembly.

Senator Brown offered a Joint Resolution asking Congress for the establishment of a tri-weekly mail route from Des Moines, Iowa, to St. Joseph, Mo., via Indianola and Osceola, Iowa. Referred to Committee on Federal Relations.

Senator Merrill offered the following resolution, which was adopted:

WHEREAS, The President of the United States has recently issued a call for five hundred thousand men for the military service of the country; and

WHEREAS, The Governor of this State has very properly pledged the quota of this State by voluntary enlistment, and without a draft; and

WHEREAS, The people of the several counties and communities have contributed so liberally and patriotically of their means in aid of enlistments in the military service of the country; therefore

Resolved, That the Committee on Ways and Means be instructed to consider the propriety of extending State aid in bounties to volunteers under the recent call of the President, and report by bill or otherwise.

Senator Parvin from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined House File No. 19 : A Bill for an act to repeal chapter 72 of the acts of Third General Assembly, entitled an act to prohibit the immigration of free negroes into this State.

Also House File No. 3 : A Bill for an act in relation to the collection of taxes in Lee county, and find the same correctly enrolled.

The Committee on Enrolled Bills report that on the 3d inst., they presented to His Excellency, the Governor, for his approval, Senate File Nos. 56 and 92.

J. A. PARVIN, Chairman.

REPORTS ON FILE.

House File No. 8: A Bill for an Act to provide for the publication of Adjutant General's Report for the year 1864 was taken up, and the amendments reported by the Committee where on motion of Senator McCrary of Lee, adopted.

Senator Udell moved to amend by inserting "Register of State Land Office." Carried.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Brown, Burdick, Bridges, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Woolson—36.

The nays were, Senators Boardman, Henderson, Knoll, Patterson and Woolson—5.

Bill passed and title was agreed to.

Report of Committee on Township and County Organizations on Senate File No. 29: A Bill for an Act to amend section 307 of Revision of 1860, was taken up, and on motion of Senator Burdick, the bill was laid on the table.

Senate File No. 70: A Bill for an Act for the relief of certain citizens of Keokuk county, with the substitute reported by Committee on Claims, was taken up, and substitute adopted. Bill was read a third time, and on the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Hogin, Hillyer, Hunt, Hatch, Hilsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Saunders, Shippen and Udell—28.

The nays were, Senators Burdick, Bridges, Gray, Hart, Knoll, Parvin, Ross, Roberts and Wharton—9.

Absent and not excused, Senators Henderson and Woolson.

Bill passed and title was agreed to.

Report of Committee on Agriculture on Senate File No. 87: A Bill for an Act to restrain certain Domestic Animals was taken up —Report of Committee adopted, and Bill laid on the table.

Report of Committee on Military Affairs on Senate File No. 64: A Bill for an Act to amend Chapter 175 of the Acts of the 9th General Assembly at its Regular Session, was taken up.

Senator Woolson moved to amend by striking out the words "Ass't. Q. M. Gen'l.", and inserting "Adj't. Gen'l when acting as Q. M. Gen'l." Carried.

The Bill was ordered to be engrossed and read a third time tomorrow.

Report of Committee on Military Affairs on a memorial of Capt. Hoyt was taken up, and memorial laid upon the table.

Report of Judiciary Committee on a memorial respecting the exemption of crops from execution until fit for harvest, was taken up, and petition was laid on the table.

Report of Committee on Ways and Means, on Senate File No. 83: A Bill for an Act to authorize the release of the homesteads of certain widows from delinquent taxes, was taken up and bill referred to Judiciary Committee.

Report of Committee on Ways and Means, on Senate File No. 50: A Bill for an Act providing for the taxation of the property of Railroad Companies, was taken up and made a special order for Wednesday next, at two o'clock, P. M.

Substitute for House File Nos. 48 and 49: A Bill for an Act to authorize the Treasurer of State to sell or exchange any coin on hand in the State Treasury for legal tender notes of the United States, was read first and second time, and referred to Committee on Ways and Means.

On motion of Senator Wharton, Senate adjourned until 10 o'clock to-morrow morning.

SENATE CHAMBER,
Des Moines, February 6th, 1864.

Senate convened at 10 o'clock A. M.

Prayer by Rev. Dr. Peet.

Journal of yesterday read and approved.

The following message was received from the House of Representatives:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives have adopted the following Joint Resolution:

Be it resolved by the General Assembly of the State of Iowa,
THAT WHEREAS, It is alleged that there are certain lands, and tracts of lands lying within the limits of the State, now owned by persons who have taken up arms against the United States, and by others who have aided and abetted those who have taken up arms against the United States, to subvert and destroy the government and authority of the same: AND WHEREAS, there are now in the State of Iowa, many orphans and destitute families, of soldiers who have died in the service of the United States against the rebels and traitors aforesaid; therefore,

Resolved, That the General Assembly of the State of Iowa hereby memorializes the Congress of the United States to confiscate and grant the aforesaid lands, lying within the State of Iowa, to the use and support of the widows and orphans of the soldiers

from Iowa, who have died, or may die, in the service of the United States during the present war against treason and rebellion.

Resolved, That our Senators and Representatives in Congress be requested to use their influence to secure the object expressed in these resolutions.

Resolved, That the Secretary of State be requested to furnish a copy of these resolutions, duly attested under the Seal of the State, to the President of the United States, and to each of our Senators and Representatives in Congress.

MR. PRESIDENT: I am directed to inform the honorable Senate that the House of Representatives has passed the following concurrent resolution:

Resolved by the House of Representatives the Senate concurring, That the Secretary of State place in the hands of the Secretary of the Agricultural College, so many of the Reports of the State Agricultural Society as may be necessary to make up sets of said Reports for the use of those members and officers of the Legislature who have not received sets; and that the Secretary of State distribute the remaining copies of said Reports to the members of the Legislature equally for the use of Agricultural Societies, reserving not less than one hundred copies of each year.

Also, that the House has passed House File No. 47: A Bill for an Act granting the right of way to open and drain coal mines, in which the concurrence of the Senate is asked.

Also, that the House has concurred in the Senate resolution providing for a Committee to destroy all unsold and useless Bonds of the State, and have appointed Messrs. Oliver and Richards as the members of that Committee on the part of the House.

Also, that the House of Representatives has passed Senate File No. 117: A Bill for an Act making appropriations for the payment of the mileage of the members of the Tenth General Assembly, with the following amendments, to-wit: Striking out \$2,296 50 in Section 2 and inserting \$2,344 50, and striking out \$4,856 55 in Section 3 and inserting \$4,907 40, in which the concurrence of the Senate is respectfully asked.

Also, that the House has concurred in the Senate Joint Resolution relative to the construction of a Ship Canal.

Also, that the House has passed Senate File No. 39: A Bill for an Act to repeal Sections 4779 and 4780 of the Revision of 1860, and to provide a substitute therefor, without amendment.

Also, that the House has passed substitute for House File No. 6: A Bill for an Act empowering Counties to offer bounties on Scalps of Wild Animals, in which the concurrence of the Senate is respectfully asked.

Also, that the House of Representatives has ordered printed a communication from the Adjutant General, relative to expenses incurred by Counties, by the Southern Border Brigade.

JACOB RICH, Chief Clerk H. R.

Senator Boardman presented the credentials of Hon. Ezekiel Cutler, Senator elect from the 30th District, and on motion they were referred to Committee on Credentials.

Senator Foote from the Committee on Credentials reported that they had examined the Credentials of Mr. Cutler and found the same to be correct.

Mr. Cutler appeared and the usual oath was administered by the President.

The President announced Senators Foote and Clark as composing the Special Committee to destroy useless State Bonds.

INTRODUCTION OF BILLS.

By Senator Foote: Senate File No. 123: A Bill for an Act authorizing the transmission of funds to pay interest on State Bonds. Read first and second times and referred to Committee on Ways and Means.

Senator Clark from Committee on Ways and Means was granted leave to submit the following report:

The Committee of Ways and Means beg leave to submit the following amendment to House File No.'s 48 and 49: A Bill for an Act authorizing the sale or exchange of specie now in the State Treasury for Legal Tender Notes of the United States, and as amended recommend its passage: The said Treasurer is required to give Special Bonds for the faithful performance of said duty in the sum of _____ dollars, and shall be entitled to and receive a compensation for said service, the amount per thousand dollars usually charged by United States Express Company for such services, which shall be in full for such services and expense attendant thereon.

Senator Bassett offered a Joint Resolution, requesting our Senators and Representatives in Congress to use their earnest efforts with the Commissioner of the General Land Office and with the Secretary of the Interior, to secure a full recognition of the rights of the State of Iowa to indemnity for all Swamp Lands sold by the General Government since September 28, 1850, and which have been already confirmed as such by Act of Congress, or for which satisfactory proof has been or may hereafter be furnished as now required. Referred to Committee on Public Lands.

Senator McJunkin offered the following resolution which was adopted:

Resolved by the Senate, That the Committee on Judiciary be instructed to inquire as to the expediency of repealing Chapter 26 of the Acts of the Ninth General Assembly, entitled an Act requiring Clerks of the District Court to keep an Appearance Docket, and that they report by bill or otherwise at an early day.

Leave was granted to take up Senate File No. 117: A Bill for an Act making appropriations for mileage of members of the Tenth

General Assembly, the same having been amended by the House of Representatives, and on the question, Shall the amendment be concurred in?

The yeas were Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Ross, Shippen, Udell and Wharton—32.

The nays were Senators Clarkson, Parvin, Roberts, Saunders and Woolson—5.

The amendment was concurred in.

On motion of Senator Cutts, the vote just taken was reconsidered.

The Bill was then referred to Committee on Ways and Means.

The President presented a communication from Mrs. Annie Wittenmyer accepting the invitation from the General Assembly to deliver an address in Representative Hall, this evening.

Also the following communication from the Register of State Land Office, which was referred to Special Committee, of which Senator Bassett is Chairman:

STATE LAND OFFICE, {
Des Moines, Iowa, February 6th, 1864. }

HON. E. W. EASTMAN, *President of the Senate.*

SIR: I have the honor to acknowledge the receipt of the following resolution passed by your Honorable Body, yesterday, to-wit:

Resolved, That the Register of State Land Office be requested to inform the Senate whether any of the lands sold by John Tolman, School Fund Commissioner of Webster County, have been certified by the Commissioner of the General Land Office, to the Dubuque & Sioux City R. R. Co., as approved by the Secretary of the Interior as R. R. Lands, and if so, the amount thereof and date of approval.

And in answer thereto I have to say that I have carefully examined all the lists of lands certified by the Commissiouer of the General Land Office and approved by the Secretary of the Interior, to this State for the benefit of said Railroad, and find that said lists do not include any of the land sold by said Tolman, as school lands reported to this office.

Respectfully submitted,

J. A. HARVEY, Register.

The President presented the following communication from His Excellency the Governor, accompanying the Report of Mrs. Annie Wittenmyer, State Sanitary Agent, which was referred to Committee on Printing:

EXECUTIVE OFFICE, IOWA, {
Des Moines, February 5th, 1864. }

MR. PRESIDENT:—I am instructed by His Excellency the Gov-

ernor, to lay on your desk the Report of Mrs. Annie Wittenmyer, and to request you to submit it to the Senate.

Respectfully,

R. G. ORWIG, Private Secretary.

To the Governor and General Assembly of the State of Iowa:

I herewith have the honor to transmit to you a report of my Sanitary labors for the last fifteen months, to which is appended an exhibit of the receipts and disbursements for the fiscal year, beginning September 25th, 1862, and ending June 13th, 1864.

I have followed your instructions to the best of my ability, and I have reason to hope that a review of my labors, and an examination of my books, accounts, and vouchers will result most satisfactorily.

The limits of this paper will oblige me to review my labors very briefly, and express in a few sentences, the result of efforts which cost me weeks and months of earnest toil.

For the first eight months of my term of service for the State, I had no assistance whatever in keeping up the records and correspondence of our State Sanitary Association, and in addition to my duties as traveling agent, felt myself obliged to maintain a very large correspondence, in order to give proper credit for goods received, and to keep up the interests of the Aid Societies of the State.

The present flourishing financial condition of the Sanitary societies of the State, attests the value of this kind of service, for besides the money in the treasury, many of the local societies report from two to four hundred dollars in their respective Treasuries. And it is a most encouraging fact that the Societies that are in the most flourishing condition now, are those that have been the most liberal and active during the past year.

SANITARY DEPOTS.

Last May I was permitted to establish a State Sanitary Depot at St. Louis, there being no commercial centre in our own State, and St. Louis being most convenient of access to the greater portion of our State, and directly on the route to our suffering army.

The U. S. Government about that time, gave to me the services of E. J. Matthis, of the 37th Iowa Infantry, a competent and trustworthy soldier. He was immediately placed in charge of the books and office business, and has continued to serve with great acceptability and faithfulness up to the present time. Of the services of Mr. Matthis, I can not but speak in terms of the highest praise.

The books and accounts of the office have been constantly open to public inspection. The business of the office has been entirely independent of any other Commission, but in conformity to the instructions given me from time to time, I have made personal dis-

tributions, or turned over the goods to the United States or Western Sanitary Commission, as circumstances and the situation of our troops seemed to demand.

Partrage & Co., Commission Merchants, St. Louis, have acted as my receiving agents at that point. They have had no control of goods, and have received no compensation whatever, for the valuable services which they have so promptly and faithfully rendered. Theirs has been a large charity. In looking over their freight bills I find that they have received and shipped no less than two thousand six hundred and eighty-nine packages, (barrels and boxes.)

During the past Fall, I communicated with Dr. Jenkins, Gen'l. Secretary U. S. Sanitary Commission, and Judge Skinner, President Chicago Branch U. S. Commission, with a view to the establishment of a Depot at Chicago, similar to the ones at St. Louis. No arrangements were, however, consummated. My views as to the importance of this measure, remain unchanged. I have also to recommend the establishment of store rooms in connection with each of these Depots, where goods may be conveniently unpacked, invoiced, assorted, accredited and put in proper condition for shipment. A sufficient quantity of goods should always be kept on hand to meet the special demands of field agents.

GENERAL COMMISSIONS.

There are now three General Commissions in the West; the United States and Western Sanitary Commissions, and the United States Christian Commission.

They are all receiving and distributing goods, and are doing a great good work, and yet much remains to be done, so vast is the field for philanthropic labor.

The two first named Commissions issue their goods, usually, on the requisitions of Surgeons: the Christian Commission, having a great many delegates in the field, distribute their supplies by personal effort, placing their goods in the hands of the soldiers.

During the greater part of the first year of the war, before the claims of the General Commission had been presented, when our army was small and our sick were kept mainly in Regimental hospitals, our efforts were more especially directed to the sick of Iowa troops, and personal distribution was made of sanitary goods; but now that our army has been greatly increased, and has advanced into the enemy's country, and many of our Regiments are separated long distances, and our sick have been scattered in General Hospitals, we have found it necessary to co-operate with more extended plans.

I have made personal distribution of goods in our Regiments and hospitals during the year, at times when there was great destitution and suffering; but when there were no such special de-

mands, I have turned the goods over which I had control, into the depots of the General Commissions.

I was instructed to pursue this course in order to secure to our troops a greater variety and a more constant supply of sanitary goods than could be otherwise obtained, and to avoid the expense of keeping up a large number of distributing agents in the field.

At every military station where there are any considerable number of troops, there is a sanitary depot, where our troops may obtain their proportion of the supplies furnished by the generous North.

If any Regiment is without supplies, it is *usually* because they are not furnished in sufficient quantities, or their officers and Surgeons do not interest themselves to secure the comfort of their men in this respect.

In military life, the comfort of the men in the ranks is made to depend very much upon the faithfulness of the officers in command, nearly all of their supplies being obtained on their requisitions.

Under the most favorable circumstances, when the officers and Surgeons do their whole duty, great hardships and deprivations have to be endured by the men.

When circumstances are unfavorable, and officers and Surgeons are careless and heartless, there is no measure to the sufferings that the private soldiers have to endure. It has been the chief labor of the agents appointed by the State, to secure to Iowa soldiers a faithful application of their proportion of the goods supplied for the relief of the army.

They have visited most of the Iowa Regiments at times of great suffering, and under circumstances of great peril, and by personal effort have aided in this work.

The General Commissions have such an immense business on their hands that it is impossible for them to descend to detail, or give special attention to the suffering; hence the importance of State Sanitary Agents. The General Commission are doing an immense business, and are making their power felt for good in the army. The claims and operations of the United States and Western Sanitary Commissions are so well known that I need hardly refer to them. The Christian Commission, an organization of more recent date, is assuming great magnitude, and carries with it the energetic spirit of the Christian Religion, and bids fair to wield a vast power in the army.

STATE SANITARY AGENTS.

State Sanitary Agents are appointed as a medium of *special relief* to our own State troops, and in order to a successful prosecution of their labors, *they must have the means* with which to supply the pressing wants of those for whom they labor.

More perfect arrangements than now exist, ought to be made, by

which agents in the field can be supplied with such stores as are necessary to the success of their work.

I have still to urge, as I have constantly done for the past year the appointment of additional agents, for this work.

When our army was more concentrated, two agents could accomplish more than four could do now, owing to the scattered condition of our troops.

The agents appointed by the Governor to labor with me have rendered most valuable service to our suffering army, and have heartily co-operated with me in every good work. Dr. Ennis, of Lyons, appointed to this service in the early part of the year, rendered most acceptable service to the sick and convalescent at Helena at a time of great suffering and destitution. I very deeply regretted that owing to ill health he was obliged to resign. He was succeeded by Mr. John Clark, of Cedar Rapids, a most energetic worker. He was sent to south-west Missouri with supplies for the troops in that section. The campaign proved to be one of great hardship and peril, and after laboring three or four months with great zeal and acceptability he was obliged to resign, owing to sickness in his family. Dr. Maxwell, of Davenport, succeeded him. He was appointed in June, and has continued to labor with great ability and a zeal worthy of so good a cause up to the present time. His labors have extended over the greater part of the South-West, and are spoken of with great commendation.

The labors of all these agents have been well received in the army, and their efforts in behalf of our sick and wounded soldiers have proved invaluable.

MILITARY AGENTS.

Agents appointed to transact military business for sick, wounded, or discharged soldiers, are of great importance.

At every important military post, where there are a large number of our sick congregated, or where our troops are passing and repassing, when coming from and returning to the army, a military agency ought to be established.

The men selected for this, or any other service in the army ought to be men of Christian character, business ability, and great kindness of heart.

I have to recommend the establishment of such agencies at Cairo, Nashville, and New Orleans, and the maintenance of the agency already established at Memphis, under the superintendence of Mr. Dial, of Davenport, who is acting with great acceptability.

Under instructions from Gov. Kirkwood, I have already made the preliminary arrangements for establishing agencies at Nashville and Cairo, and propose soldiers for the work.

MISAPPLICATION OF SANITARY STORES.

The operations of our State and other Sanitary Commissions have been greatly embarrassed by the circulation of false reports relating to the misapplication of sanitary stores. Many of our societies have suffered great loss and discouragement, and not a few have entirely suspended their labors from this cause.

It has been asserted that the common soldiers get nothing of all the supplies furnished—that they are appropriated by officers and surgeons to their own use. It is not surprising that such reports should obtain, especially when we consider the large number of troops in the field and the comparatively small amount of goods furnished for their use. The demand for sanitary stores has always greatly exceeded the supply, and the absence of such things as are furnished by the Commission, is often taken as an evidence that they have been misappropriated by those having charge of hospitals.

There are doubtless mean, unprincipled men in the army, who would do such things, but I believe that the majority of our officers and surgeons would scorn to commit such petty outrages on their helpless, dependent sick.

Many of them have already sacrificed their lives in the cause of liberty and humanity, and some of them are brave soldiers and earnest Christian men, who are doing all they can for their sick, and these unjust charges are but a poor return for all the sacrifices they are making.

It is believed by those who have thoroughly investigated this matter, and who have had abundant opportunities of gaining evidence in the case, that while *there is and must ever be some misapplication and waste and misuse of hospital stores*, whenever a benevolent work assumes such immense magnitude; yet, that the sick and wounded do receive a large proportion of the supplies furnished. One instance of the misapplication of sanitary stores will do more to dampen the ardor of the people than twenty well authenticated instances of faithful application can counteract.

Soldiers themselves, the recipients of your bounty, sometimes write very discouraging letters about sanitary matters. Such letters are for the most part thoughtlessly written, under feelings of discouragement, or homesickness, and *without a full knowledge of sanitary efforts in the whole army*.

When soldiers complain, they are entitled to respect and forbearance. Their great sufferings, and the dangers and deprivations to which they are exposed, notwithstanding all that can be done to make their condition tolerable, entitles them to our most generous consideration. Their complaints should not discourage effort, but rather stimulate to increased exertion and vigilance; but when those at home who are making no sacrifices in behalf of their country's cause, make such statements a pretext for withholding their

assistance, it becomes a serious cause of apprehension and complaint.

Soldiers themselves do not always know when they receive sanitary stores, but very often accredit to the Commissary or Medical Department the supplies furnished by the Sanitary Commission. Frequent instances of this kind come under my own observation. Potatoes, onions, fruit and pickles, are sometimes, when circumstances are favorable, furnished by commissaries, and when furnished by the Sanitary Commission, are apt to be regarded as Government supplies.

Another great cause of slander has originated in the fact that *traders* have taken advantage of the facilities afforded to the Sanitary Commission, and shipped their goods as sanitary stores, in order to get them through the lines. After thus eluding the vigilance of Government officers, they have privately sold their stores to sutlers and others, and the goods seen at their shops thus marked have been mistaken for sanitary goods; and although not sanitary goods, being so marked, they have been supposed to be such, and so reported; and many persons, not well advised in army matters, have been led to think that they had been sold by sanitary agents, or picked up in depots where they had been lying neglected. But such has not been the case. The arrangements for the transportation of sanitary goods are as secure and expeditious as for any other class of freight—indeed, the facilities are much greater.

FEMALE NURSES.

It has been a source of regret to the friends of humanity that more female nurses can not be employed in our hospitals. The presence of earnest, sympathetic, Christian women among the sick, would not only secure to them better care and attention, but would throw a moral influence into our hospitals greatly needed by our soldiers who are suffering, and dying, far away from home and all the sacred influences of religion. Petition after petition has been presented to the chief authorities, and Congress has condescended to legislate on the subject, and in compliance with their instructions, the Surgeon General has issued orders regarding the matter. But the end so much desired has not been secured, and the presence of female nurses in a hospital is made to depend mainly on the caprice of the Surgeon in charge. A larger number of nurses has been employed from Iowa, I believe, than from any other Western State of the same population. They are now rendering most valuable service in our hospitals, and they have acquitted themselves so nobly in the discharge of their arduous duties, that they have won the respect and confidence of all. I have done all in my power to secure the employment of a greater number, but the following letter from the Government Agent for the employment of female nurses, will explain why so many applicants are unemployed:

"St. Louis, Mo., Nov. 11, 1863.

MRS. ANNIE WITTENMEYER: *My dear Madam:*—In answer to your inquiry, I find that there are now commissioned from the State of Iowa, as nurses in various hospitals, some fifty-three nurses. The larger portion are most excellent women and valuable nurses. I am greatly indebted to you for the deep interest and zeal you manifested in the matter of female nurses. Nothing adds more to the comfort of our sick soldiers than the kind and tender care of these patriotic women who have volunteered to serve in hospitals. I wish that more could be employed, but as it depends in a great degree upon the will and caprice of the Surgeons in charge of the hospitals, I cannot force it. A large number of applicants from Iowa have been declined for want of situations to give them.

Very respectfully,

(Signed)

JAMES E. YATEMAN,
Prest. Western San Com."

I can see no way by which these difficulties can be overcome, but by an earnest presentation of the subject to Congress for further legislation.

SPECIAL DIET KITCHENS.

There are in most of our military hospitals a large number of patients who suffer for want of suitably prepared and delicate, nutritious food. To use the language of an able Medical Director in the army, "They are starving to death in the midst of plenty."

No benevolent organization has as yet been able to extend to them the assistance their condition so much demands. The supplies furnished by the Sanitary Commissions are afforded the sick on the requisitions of Surgeons, and are too often used by patients who are not so especially in need of delicate food, thus leaving the worn out and feeble patients without the constant supply of the kind of food so essential to their recovery. Besides, the preparation of special diet in hospitals is not always done with sufficient care, as to meet the expectations of a weak and delicate appetite.

Even in the best regulated hospitals, especially in the South and South-West, it is almost impossible to provide for this class of patients, owing to the changes constantly going on in the Medical Department, and the difficulty of obtaining and keeping up a constant supply of suitable food.

This matter has given me serious and anxious thought for the past year, but I have recently submitted to the Christian Commission a plan by which I believe this class of patients may be reached and relieved.

The plan proposed is the establishment of "special diet kitchens" in connection with that Commission, to be superintended by earnest, prudent, Christian women, who will secure the distribution of

proper food to this class of patients—taking such delicate articles of food as our good people supply *to the very bed-sides* of the poor, languishing soldiers, and administering with words of encouragement and sympathy to their pressing wants; such persons to co-operate with the Surgeon, in all their efforts for the sick.

This plan has been sanctioned and adopted by the United States Christian Commission, and several of the State Commissions, and the Western Sanitary Commission have pledged their co-operation. I have been chosen to aid in carrying out this enterprise.

The Union Aid Society of St. Louis has successfully maintained during the past year, a special Diet Kitchen at Benton Barracks Hospital. They have recently established another at Nashville, Tenn., which is under the superintendence of their able Secretary, Miss Adams, assisted by Mrs. Baker. The success of their labors has demonstrated beyond a doubt the practicability of the plan, and the good resulting from their labors proves that much may be done by these special efforts to rescue those who have passed beyond the reach of all ordinary means.

SOLDIERS' HOMES.

At almost every important military post in the army, Soldiers' Homes have been established, and are daily receiving hundreds of soldiers, who but for this generous arrangement would be unprovided for, and be obliged to lodge in the streets, regardless of the weather and surroundings. The U. S. and Western Sanitary Commissions have established Soldiers' Homes at every important military post between Chicago and New Orleans, and the United States Commission has established Soldiers' Homes at every important point in the Army of the Cumberland.

The life of many a precious loved one has been saved, to gladden the home circle, who but for this thoughtful and generous arrangement for his comfort, would have been sleeping in a soldier's grave. Great praise and gratitude is due the Commission for establishing Soldiers' Homes.

ORPHAN ASYLUM.

Last October I made a proposition to the ladies of the State, who have so zealously and faithfully labored with me in the Sanitary work, to build an Orphan Asylum, for such children as might need the benefits of such an institution, but especially for the children of our brave dead, who have fallen on the battle-field or in our military hospitals.

The proposition was received with great enthusiasm, but since that time we have deemed it advisable to separate the project entirely from the sanitary work, and invite the generous and patriotic men of the State to aid us. The matter has accordingly been

placed in the hands of leading men and women of the State, who have taken hold of the matter with commendable zeal—have incorporated themselves, and are now prepared to carry out the generous intentions of the people. A temporary building will be secured and the Asylum opened for the reception of inmates about the first of May next.

The Governor of the State is President of the Association. The co-operation of the Legislature is earnestly invoked.

No more fitting monument could be raised in honor of our brave dead, than the erection of an institution where their children (should circumstances require) may be cared for and educated for the duties of life, and prepared to meet its responsibilities.

FACILITIES AFFORDED.

The U. S. Government has given me every possible facility for carrying out your generous intentions.

Besides transportation for myself, and the nurses and assistants I have taken with me to the field, and freight on over a hundred thousand dollars worth of goods, as will be seen by reference to the receipts of goods and money, that at a time when there was great destitution among the hospitals, Maj. Gen. Grant gave me ten bales of cotton, to be manufactured up into comfortables for their use.—Two bales were given to the Chicago Commission for that purpose. The other eight were placed in the hands of the Western Sanitary Commission, and at my request a large portion of it was sent to the Aid Societies of Iowa to be made up. The work was done in a manner highly creditable to the ladies of our State.

Many of the "mottoes" dictated by their kind hearts and wrought by their fair hands, were most patriotic and inspiring.

Last April Maj. Gen. Grant and Adj't Gen. Thomas, gave me fourteen bales of cotton for Sanitary purposes. The cotton was in a very damaged condition, having been saved from entire destruction by energy and zeal on the part of the lamented Colonel Abbott, and the noble men of the 30th Iowa, who had in view this purpose. It was sold in St. Louis by Partrage & Co., and netted two thousand dollars and eighteen cents (\$2,000.18).

This fund has aided us greatly in this work, and the thanks of the General Assembly are due to General Grant for the aid he has given the Sanitary cause.

The sympathies of that distinguished officer are with his brave men. He has shared with them the hardships and perils of military life, and he well knows how to feel for those who go forth to endure the hardships, and meet the dangers, in camp and on the battlefield. He is giving the greatest possible facilities to those who are laboring for the health and comfort of his men.

Great praise is also due the Superintendents and managers of the Keokuk & Ft. Madison R. R., Keokuk & Ft. Des Moines R. R.,

Burlington & Missouri R. R. R., and the Keokuk, Northern Line, and Davenport Packet Companies, for the facilities they have given in the matter of travel and transportation. Season tickets have been furnished me, and large quantities of goods have been transported gratuitously.

I take this occasion also to mention that the services of the shipping agents all along the line, have been performed gratuitously, and that the Western Sanitary Commission has afforded us an office and storage and fuel free of charge.

Thanks are especially due the Illinois and Mississippi Telegraph Company for the gratuitous use of their lines for the last two years.

It is due the medical and military officers of the army and the agents and delegates of the different commissions, and our brave soldiers in the field to state that they have uniformly treated me with great courtesy and respect, and given me such facilities as they could command for a successful prosecution of this work. Governor Kirkwood and his Military Secretary, N. H. Brainard, have constantly sustained me by their advice and counsel in a manner worthy of the cause in which I was engaged.

AMOUNT OF GOODS AND MONEY RECEIVED.

As will be seen by appended statement, I have received from the Aid Societies of the State, two thousand seven hundred and twenty-three packages (barrels and boxes,) of sanitary goods; which at an average value of forty dollars per package, (the estimate accepted at the Des Moines Convention,) would amount to one hundred and eight thousand nine hundred and twenty dollars, (\$108,920); which with cash and other receipts makes the sum total of business for the year, one hundred and fifteen thousand eight hundred and seventy-six dollars and ninety-three cents, (\$115,876.93). As large as this sum may appear, it constitutes as far as any State record can show, nearly five-sixths of all the sanitary supplies furnished by the State during the last year.

When we take into account the prosperity of our people, we cannot but hope that the amount of goods furnished will be doubled during the year to come. Everything that will add to the comfort of the sick in hospital or the well in camp will be needed during the spring months that are before us.

The soldiers of Iowa are brave and honorable, and are worthy of our best endeavors and our choicest gifts. Let the tribute of a generous and grateful people follow them wherever they bear our glorious old flag. They have won for our State imperishable renown. When the honor of our country was violated at Ft. Sumpter and our flag trailed in the dust and spit upon and buried as a vile thing, they were among the first to lift up a standard against the enemy, and they have vindicated her honor on many a well fought battle field, and for every buried flag they have given a thousand new

bright banners to the breeze. They are now in the front ranks valiantly fighting the battles of our country. Let our generosity equal their bravery and patriotism.

In reviewing my labors for the past year, I find that in addition to a business of over one hundred thousand dollars, and the keeping up of books and correspondence connected therewith, I have traveled nearly thirty thousand miles, visiting most of our hospitals and regiments; and nearly all the general hospitals where Iowa troops have been quartered.

All the powers of my mind and soul have been given to this work. I have not shrunk from duty, or turned aside for danger or disease, however perilous the way or loathsome the malady; but with the single purpose to relieve the sufferings of our brave men who are involved in this terrible struggle, for the interests of humanity and the cause of liberty, I have gone forward and done my duty to the best of my ability. I submit to you the result of my labors for your approval.

I have asked from the U. S. and Western Sanitary Commissions a report of the goods furnished by them to Iowa Regiments. Appended will be found a return from the Western Sanitary Commission. This does not include their immense issues to general hospitals, but only those furnished regimental hospitals. A report from the United States' Commission has not been received.

Deeply grateful for the sympathies of the generous people of my State, and for the assistance you have rendered me, and thankful for the Divine favor which has brought me safely through all dangers,

I am, very respectfully,

Your obedient servant,

ANNIE WITTENMYER,

State Sanitary Agent.

LIST OF GOODS

Contributed by Soldiers' Aid Societies in Iowa, from Sept. 26th, 1862, to Dec. 31st, 1863.

NAME OF TOWN OR DONOR.	NO. PACKAGES.
Albia,	1
Ainsworth,	1
Burlington,.....	167
Burlington, Cong. Church,.....	4
Bentonsport,	4
Bellevue,.....	10
Big Grove,.....	2
Baldwin, Mrs. C.....	1
Bardin, Mrs.....	2
Black Oak,.....	2
Brooklin,	14

NAME OF TOWN OR DONOR.	NO. PACKAGES.
Bloomfield,.....	2
Cedar Rapids,.....	5
Council Bluffs.....	84
Cumberland Presbyterian Church, Burlington...	2
Christ's Church, Burlington,.....	10
Christman, Mrs.....	2
Centre Point,.....	12
Clay,.....	6
Chicago San. Com.....	12
Centreville,	4
Chester,.....	1
Copi.....	
Cincinnati,.....	3
College Springs,.....	4
Cedar County San. Com.....	22
Dubuque,	3
Des Moines,.....	30
Des Moines, (East,)	5
Delhi.....	1
Drakesville,	3
Denmark,.....	80
Dayton,.....	2
Decorah,.....	3
Davenport,.....	156
Danville,	6
East Delevan,.....	1
Eddyville,.....	1
Elgin,	1
Eldora,	11
Fairfield,.....	1
Fort Madison,.....	14
Flint River,	20
Farmington,	4
Grinnell,.....	3
Green Plains,.....	4
Graham Township,.....	3
Garnavillo,.....	2
Henry County,	13
Hamilton,.....	1
Iowa City,.....	33
Indian Prairie,.....	5
Independence,	11
Inland and Springfield Townships,.....	5
Inland Township,.....	1
Johnson County,.....	1
Janesville,.....	4
Keokuk,	30

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NAME OF TOWN OR DONOR.	NO. PACKAGES.
Keosauqua,	5
Knoxville,	8
Libertyville.....	18
Liberty and Spring Rock,.....	1
Ladies' Union Aid Society, Keokuk,	7
Loyal Womens' League, Polk county,.....	1
Lisbon,	5
Muscatine, City and County,.....	258
Muscatine Co., pr. Col. Compton and Dr. Horton,	620
Mt. Pleasant,.....	55
Monroe,	14
Montezuma,	4
Moscow,	5
McMillen, Mrs.....	1
Mineral Point and Dodgeville,.....	9
Mahaska County,.....	11
Mills County.....	1
Marshall County,.....	3
Marshall and Asbury Church,.....	7
Mt. Algor,.....	1
Marion,.....	1
Momeka,.....	4
Mt. Ayr,.....	1
Newton,.....	2
New London,.....	4
Oskaloosa,.....	9
Ottumwa,	4
Osceola,	29
Orleans,	3
Pella,	2
Primrose,	2
Powell, Mrs. C.....	1
Pleasant Ridge,.....	4
Port Louisa,.....	8
Pleasant Plains,.....	6
Pleasant Prairie,.....	3
Pleasant Hill,.....	1
Quasqueton,	35
Richland and Prairie Townships,.....	1
Red Oak Junction,.....	1
Salina,.....	5
Solon,	5
Springdale,.....	3
Salem,.....	24
St. Joseph,.....	8
Springfield,	1
South Prairie,.....	3

NAME OF TOWN OR DONOR.	NO. PACKAGES.
Sharon,	2
Sugar Creek,	1
Scott and Pleasant Valley Townships,	1
Troy,	6
Tyrone,	1
Stiles, Davis & Co.,	9
Unknown,	587
Vinton,	28
Washington county, districts 4 and 7,	1
Waterloo,	2
Wayne,	1
Wapello,	4
Western,	12
Washington,	36
Winchester,	3
Winterset,	1
West Liberty,	10
Winnebago,	3
Waverly,	2
Wilton Junction,	1
West Grove,	1
West Union,	11
York Prairie,	4

Total number of packages,	2723
Cash value of same at \$40 per package, as per estimate fixed by Des Moines Sanitary Convention,	\$108,920.00
Cash value—articles brought forward,	108,920.00
Three cows, by Mt. Pleasant Soldiers' Aid Society, @ \$30,	90.00
Bentonsport, per Mrs. Sanford, three cows, @ \$30, U. S. Government, ten bales cotton for comfortables worth about	90.00 3,000.00
Total valuation of articles received,	112,100.00
Total cash receipts,	3,776.93
Grand total,	\$115,876.93

Not included in above, one thousand bushels of potatoes, by Muscatine Soldiers' Aid Society, and now stored in Muscatine.

CASH RECEIPTS FROM SOLDIERS' AID SOCIETIES AND OTHER SOURCES.

1863.

Feb. 3, Des Moines Soldiers' Aid Society, \$50.00

Feb. 6, Winterset Soldiers' Aid Society,.....	70.00
March 4, Good Templars' Soldiers' Aid Society, Des Moines,.....	100.00
March 5, Young Ladies of Des Moines,.....	65.00
“ 28, Western Soldiers' Aid Society, Johnson county,.....	72.83
Bentonsport,.....	20.00
March 28, proceeds of cotton donated by Gen. U. S. Grant, and approved by Adj't. Gen. Thomas.....	2,000.18
May — persons unknown, per C. Marble,.....	50.00
June 22, Des Moines Soldiers' Aid Society,.....	175.00
July 31, Grinnell Soldiers' Aid Society,.....	35.00
Aug. 8, Little Rock School House, Harrison Tp....	2.55
“ 8, Athens, Mo.,.....	7.00
“ 8, Croton,.....	12.45
“ 9, Hesper,.....	60.00
“ 9, Summitville, per John Brown,.....	2.80
“ 9, H. A. Wilkinson,.....	4.00
“ 9, Lewis Eche, (soldier),.....	1.00
“ 9, Keokuk Soldiers' Aid Society,.....	10.00
“ 9, Thanksgiving offering—Keokuk Churches,.	96.15
“ 9, Denmark Soldiers' Aid Society,.....	13.00
“ 9, Bloomfield “ “ “	47.70
“ 9, Lutheran Church, Tipton,.....	15.30
“ 13, M. E. Church, New London,.....	32.20
“ 18, Monticello, Johnson county,.....	10.35
“ 18, Langworthy,.....	2.35
“ 20, Oceola, Franklin county,.....	5.00
“ 22, Council Bluffs San. Com., per Miss Lockwood,.....	150.40
Sept. 1, Independence, per Waine,.....	277.40
“ 9, Presbyterian Church, Cascade,.....	3.70
“ 24, Littleton, Buchanan county,.....	5.00
“ 21, Algona, Kossuth county,.....	48.50
Oct. 16, Bishop Hamlin, Mt. Pleasant,.....	5.00
Nov. 21, West Grove Soldiers' Aid Society,.....	13.00
Oct. 10, Vinton, Benton county,.....	42.00
Dec. 9, Kossuth, Des Moines county,.....	176.19
“ 22, Linn Grove, Linn county,.....	11.63
Aug. 12, Business Corner,.....	10.45
“ 12, Perry Township, Davis county,.....	25.15
“ 12, Bloomfield, Davis county,.....	86.00
Sept. 8, Bloomfield, Davis county,.....	7.00
“ 8, Osceola,.....	5.00
Total,.....	\$3,773.93

STATEMENT OF AMOUNT PAID FOR SANITARY PURPOSES, FROM SEPTEMBER 25TH, 1862.

1862.

Dec. 16.	169 lbs. butter at 12½c,.....	\$21.12½
"	55 dozen eggs at 10c,	5.50
"	2 bushels oats at 20c, (for packing,).....	.40
"	1 barrel,.....	.25
"	1 box and marking,.....	.35
Dec. 17.	95½ lbs. butter at 11c,	10.50
"	127½ dozen eggs at 10c,	12.75
"	2 barrels at 30c,.....	.60
"	1 box—4 bushels oats,.....	1.25
"	68 dozen eggs at 10c,.....	6.80
"	Oats to pack,.....	.55
"	627 pounds butter at 18½c,.....	84.54
Dec. 19.	1 barrel 50c—75 doz. eggs at 12½c per doz.	9.87
"	1½ bushels oats,.....	.53
"	1 tub,.....	1.25
"	95 pounds butter at 14c,.....	13.80
"	3 boxes at 40c,.....	1.20
"	194 dozen eggs at 12½c,.....	24.25
"	135 pounds butter at 12½c,.....	16.88
"	4½ bushels oats at 35c,.....	1.52
Dec. 20.	7 barrels krout at \$6,.....	42.00
"	70 bushels corn meal at 30c,.....	21.00
"	12 sacks at 30c,.....	3.60
"	Drayage,40
Dec. 22.	5 barrels krout at \$7,	35.00
"	64½ dozen eggs at 10c,.....	6.45
"	1 barrel,.....	.25
"	4½ bushels oats at 20c,.....	.90
"	154 dozen eggs at 10c,.....	15.40
"	Oats,.....	1.00
"	2 barrels,.....	.50
"	Drayage, handling and cooperage,.....	4.70
"	Insurance,	8.00
Dec. 26.	Cooperage,	1.50
Dec. 28.	Freight bill—Cairo,.....	10.00
"	Handling goods,.....	5.00
1863.		
March 12.	21½ bushels potatoes at 50c.....	10.90
"	32 bushels potatoes at 50c,.....	16.00
"	1 barrel cider vinegar,.....	5.00
"	22 bushels potatoes at 50c,.....	11.00
March 13.	36½ bushels potatoes at 50c,.....	18.50
"	12 bushels potatoes at 50c,.....	6.00
March 14.	6 bushels potatoes at 50c,.....	3.00
"	175 dozen eggs at 6c,.....	10.50

March 14.	2 barrels and oats to pack,.....	1.50
March 16.	Paid Mr. Millens,.....	10.00
"	Drayage,.....	.80
March 18.	971 lbs. or 40 $\frac{1}{2}$ bu. d'd apples at \$1.50 pr. bu.	60.68
"	Drayage,.....	.60
"	3 boxes lemons at \$6.37 $\frac{1}{2}$,.....	19.18
"	7 barrels onions at \$4.25,.....	29.75
"	Drayage,.....	.40
March 26.	70 bushels dried apples at \$1.50,.....	105.00
"	30 barrels potatoes at 1.75,.....	52.50
"	30 $\frac{1}{2}$ bushels potatoes at 55,.....	16.85
"	Exchange,.....	.25
May 19.	313 $\frac{1}{2}$ bushels potatoes at 60c.....	188.10
"	193 new gunny sacks at 30c,.....	57.90
"	Sacking and twine,.....	1.20
"	Drayage,.....	2.80
May 19.	79 gunny sacks at 30c,.....	23.70
"	23 bushels potatoes at 51c,.....	16.85
"	13 $\frac{1}{2}$ bushels potatoes at 51c,.....	6.70
May 21.	18 bushels potatoes at 50c,.....	9.00
May 22.	27 1-6 bushels potatoes at 50c,.....	13,58
May 23.	55 $\frac{1}{2}$ bushels potatoes at 45c,.....	24.90
May 25.	Stationery,.....	2.40
"	Keokuk Hospital,.....	1.50
May 27.	939 $\frac{1}{2}$ dozen eggs,.....	74.00
"	5 kegs butter,.....	63.12
"	36 bushels potatoes,.....	23.25
"	2 sacks,.....	.60
"	4 barrels,.....	.60
May 28.	78 new gunny sacks at 30c,.....	23.40
"	Sacking and twine,.....	1.25
"	Freight on cotton and prints,.....	2.00
"	Drayage,.....	.25
"	Ogden & Copp,.....	.50
"	Exchange,.....	.25
"	Cooperage,.....	1.50
"	Drayage and shipping,.....	.75
July 30.	25 barrels of potatoes at \$1.60,.....	40.00
"	7 barrels onions at \$4.25,.....	29.75
"	Drayage,.....	.40
"	64 $\frac{1}{2}$ bush. dried apples (choice) at \$1.60,...	103.42
"	6 barrels at 30c,.....	1.80
Aug. 18.	At Helena, 2 dozen lemons at \$1.50,....	3.00
"	6 pounds crushed sugar at 25c,....	1.50
"	1 box lemons,.....	14.00
Aug. 19.	Soldiers of 40th Iowa,.....	5.00
Aug. 22.	Davenport Aid So. for purchasing supplies,	100.00
"	Muscatine Aid So. for purchasing supplies,	50.00

Aug. 19.	Ice for Helena Hospitals,.....	5.00
Aug. 29.	Freight on Ohio & Miss. Railroad,.....	.65
"	Freight to Keokuk Packet Co.,.....	2.10
"	Drayage,.....	.80
Sept. 1.	Drayage (Partrage & Co.),.....	1.00
"	Freight—Steamer Gen. Grant,.....	3.00
Sept. 7.	Iowa Soldiers' Home, Cairo,.....	15.00
Sept. 28.	To Nurses going to Memphis,.....	10.00
"	3 boxes lemons at \$6,37½,.....	19.13
Dec. 14.	Cash sent to Copi Soldiers' Aid Society, to purchase Sanitary supplies,.....	25.00
Dec. 24. 1864.	Cash paid for school books for contrabands,	15.80
Jan. 12.	Cash paid for freight and charges to Alton & Chicago R. R.,.....	3.15
Jan. 3.	Cash paid John M. Greim to assist him home	5.00
Jan. 4.	Cash paid for purchase special article diet for Chattanooga Hospital,.....	2.00
Jan. 6.	Cash paid for Hospital at Nashville, Tenn.,	10.00
Jan. 16.	" " " printing Rev. Power's address	30.00
	" " " stationery and postage,.....	18.25
	" " " corn meal and sacks, March 16, 1863,.....	15.50
	<hr/>	<hr/>
	Total expenditures,	\$1,812.85
	Total receipts,.....	3,776.93
	<hr/>	<hr/>
	Balance cash on hand,.....	\$1,964.08

MRS. ANNIE WITTENMYER IN ACCOUNT WITH THE STATE OF IOWA.

DR.	
To cash received of Gov. Kirkwood from Aug. 1, 1862, to Jan. 13, 1864,.....	\$1,850 00
CR.	
By personal expenses from Aug. 1 to Sept. 25..	\$83.30
By personal expenses from Sept. 25, 1862, to Jan. 13, 1864, inclusive of expenses incurred in taking female nurses to army hospitals,...	1,097.58
By amount paid out on order of Gov. Kirkwood, for office expenses and clerk hire,.....	384.44
To Miss M. E. Shelton,	113.45
To Dr. Maxwell,.....	175.00
To Wm. Milne,.....	107.00
<hr/>	
Total,.....	1,960.77

1864.

Jan. 13. Balance due on settlement with Gov.

Kirkwood, 110.77

To cash received on settlement with Gov. Stone 110.77
1,960.77 1,960.87Total amount of cash received from State as salary, \$1,550.
Paid by Gov. Stone on order of Gov. Kirkwood.PARTIAL LIST OF GOODS RECEIVED FROM THE SOLDIERS' AID SOCIETIES
OF IOWA FROM SEPT. 25, 1862, TO DEC. 31, 1863.

Owing to a large amount of goods being received from unknown sources, unaccompanied with lists of contents, and their being turned over without invoicing, a full condensed statement can not be made.

Potatoes.....	2737	bush.
Eggs.....	9364	doz.
Molasses	514	galls.
Butter	2	kegs.
Butter	4959	lbs.
Canned fruits.....	4292	qts.
Corn meal.....	6941	lbs.
Corn meal.....	26	bush.
Pickled cabbage.....	10	bbls.
Pickled cabbage in kegs.....	239	galls.
Peaches.....	4½	bbls.
Peaches.....	55	lbs.
Dried apples.....	7635	lbs.
Assorted pickles.....	748	galls.
Assorted pickles.....	53	bott.
Dried beef.....	188	lbs.
Ginger snaps.....	795	lbs.
Maple sugar.....	286	lbs.
Tobacco.....	60½	lbs.
Mustard.....	32	bott.
Pepper sauce.....	17	bott.
Dried corn.....	168	lbs.
Oysters	2	cans.
Wine.....	2	kegs.
Wine.....	130	bott.
Onions	160	bush.
Parsnips	3	bush.
Plum butter.....	482	qts.
Honey.....	63	lbs.
Preserves	89	qts.

Jellies	29	qts.
Jellies	70	cups.
Cakes	409	lbs.
Cider	48	galls.
Catsup	84	bott.
Beets	34	bush.
Mixed vegetables	3	bush.
Cheese	278	lbs.
Dried peaches	451	lbs.
Spices	48	lbs.
Tea	24	lbs.
Rice	20	lbs.
Hominy	1	bbl.
Corn starch	162	lbs.
Lemons	59	
Dried rusks	807	lbs.
Blackberry cordial	20	gall.
Gooseberries in kegs	40	gall.
Crushed sugar	67	lbs.
Codfish	41	lbs.
Herring	5	boxes.
Sago	12	lbs.
Green currants	6	gall.
Castile soap	39	lbs.
Chocolate	8	cakes.
Parched corn	31	lbs.
Prunes	50	lbs.
Pearl barley	10	lbs.
Cologne	3	bott.
Cigars	25	
Ague cure	1	bott.
Essence of lemon	1	bott.
Citric acid	$\frac{1}{2}$	lbs.
Pickled tomatoes	50	gall.
Canned chickens	15	qts.
Green apples	$10\frac{1}{2}$	bus.
Horse radish	102	qts.
Apple butter	132	qts.
Apple butter	4	kegs.
Vinegar	2	kegs.
Beans	8	bus.
Pickled onions	120	galls.
Pickled onions	3	bbls.
Dried herbs	10	lbs.
Sponges	8	pieces.
Wash basins		8
Suspenders	17	prs.
Night caps	13	

Single beds.....	1	
Letter paper.....	12	qrs.
Razors.....	3	
Buttons and thread.....	2 lge boxes.	
Lounge ticks.....	2	
Bed ticks.....	68	
Hair brushes.....	10	
Pin cushions.....	158	
Fans.....	64	
Neck ties.....	28	
Hops.....	3	lbs.
Buckskin gloves.....	1	pair.
Soldiers' great coats.....	3	
Wafers.....	1	box.
Blankets.....	10	
Woolen yarn.....	2	balls.
Magazines.....	1143	Nos.
Tracts.....	417	
Many large boxes of books and papers not counted.		
Musquito bars.....	154	sqr's.
Musquito bars.....	7	bolts.
Fine combs.....	50	
Pins.....	26	p'k'gs.
Books.....	409	vols.
Slippers.....	70	pairs.
Boots.....	4	pairs.
Linen coats.....	37	
Vests.....	8	
Pads.....	7	pairs.
Woolen bandages.....	3	
Woolen mittens.....	60	pairs.
Rags.....	2591	lbs.
Bed gowns	51	
Newspapers.....	124	p'kgs.
Straw pads.....	165	
Lint.....	91	lbs.
Comfortables (not including those made from material furnished).		
Comfortables.....	272	
Handkerchiefs.....	966	
Towels.....	1132	
Pillow slips.....	1613	
Straw pillows.....	109	
Feather pillows.....	930	
Bandages.....	3686	
Socks.....	309	pairs.
Shirts	2814	
Drawers.....	1022	pairs.

This list does not include any of the articles purchased with Society money.

*Any Soceity or person not receiving proper credit for goods or money, will please address me at St. Louis, and the mistake will be promptly corrected and proper credit given.

ANNIE WITTENMYER,
State Sanitary Agent.

STATEMENT.

Special issues of Western Sanitary Commission, to Iowa troops in the field, from September 1861, to November 1863:

1269 Shirts, 1681 prs. Drawers, 517 cans Condensed Milk, 1077 bu. Potatoes, 204 bu. Onions, 289 botl's Blackberry Cordial, 280 gall. Pickles, 212 botl's Fine Pickles, 1174 prs. Wool Socks, 2842 lbs. Sour Krout, 992 lbs. Corn Meal, 1609 lbs. Cod Fish, 4150 lbs. Soda Crackers, 741 lbs. butter, 225 lbs. Mackerel, 714 lbs. Jevil-back, 1004 Sheets, 296 prs. Slippers, 203 lbs. Farina, 260 lbs. Corn Starch, 148 lbs. Sago, 127 lbs. Green Tea, 273 jars Jelly, 565 cans assorted Fruit, 312 botl's Catawba Wine, 84 botl's Catawba Bitters, 87 cans Cranberry Sauce, 3167 lbs. Dried Apples, 1768 lbs. Dried assorted Fruit, 688 lbs. Rags, 266 cans Tomatoes, 116 botl's Brandy, 177 botl's Whiskey, 155 lbs. Sugar, 219 Comforts, 138 Blankets, 403 Bed Sacks, 375 Handkerchiefs, 1521 Pillow Slips and Ticks, 441 Pillows, 312 Chickens, 1300 Towels, 1893 Rolls Bandage, 27 botl's Sherry Wine, 32 botl's Port Wine, 79 botl's Domestic Wine, 117 botl's Ginger Wine, 38 botl's Ext. Jamaica Ginger, 70 botl's Citric Acid, 43 cans portable Lemonade, 393 Lemons, 78 lbs Hops. 105 cans Cocoa Paste, 45 lbs. Tapioca, 20 lbs. Pepper, 57 botl's Horse Radish, 149 Combs, 50 Hair Brushes, 59 lbs. Lint, 116 Fans, 154 Tin Cups, 13 Regimental Hospital Chests, 227 Cooks' Manual, 224 Tourniquets, 24 Arm Chairs, 6 Bath Tubs, 12 Mops, 40 lbs. Castile Soap, 78 Head Cabbage, 45 bu. Green Apples, 102 Pads, 23 Oil Silk Ring Pads, 843 Magazines, 240 Books, 48 Knives and Forks, 35 Crutches, 10 Lime Juice, 39 Table Spoons, 75 Pin Cushions, 23 lbs. Ground Ginger, 21 lbs. Ext. Beef, 8 Coffee Mills, 44 cans Oysters, 37 cans Tripe, 36 Wash Basins, 29 lbs. Carb. Soda, 3 Lanterns, 4 Sauce Pans, 5 Coffee Pots, 17 Brooms, 10 lbs. Cheese, 40 lbs. Oat Meal, 371 botl's Drugs, 6 Faucets, 75 lbs. Ice, 6 Dippers, 7 Tin Pails, 21 Chambers, 56 gallons. Ale, 124 Games, 225 lbs. Hominy, 126 cans Condensed Soup, 33 lbs. Arrowroot, 82 lbs. Bromia, 148 Spit Cups, 30 lbs. Chlor. Lime, 64 Splints, 12 boxes Matches, 5 Cuvas Back Rests, 28 Hospital Caps, 13 bottles Cologne, 29 Spools of Cotton Thread, 2 Gross Buttons, 6 Mattresses, 44 bottles Catsup, 21 lbs. Mustard, 50 oz. Nutmegs, 23 Flavoring Extracts, 84 Eye Shades, 42 lbs. Herring, 19 bottles Casse's Wine, 72 gallons Molasses, 250 lbs. Beans, 44 rolls Ad. Plaster, 70 galla.

Lager Beer, 78 Tin Plates, 76 lbs. Dried Beef, 57 lbs. Spices, 260 bush. Vegetables, 15 Close Stools, 60 lbs. Ham, 50 Tea Spoons, 20 bottles Jayne's Expectorant, 25 lbs. Chocolate, 10 Bed Pans, 50 Quires Paper, 15 doz. Pens, 30 Pen Holders, 81 Envelopes, 88 Dressing Gowns, 36 lbs. Herbs, 68 Sponges, 32 bottles Pepper Sauce, 2 Dead Screens, 12 bottles Ink, 24 Clothing, 9 Drinking Tubes, 2 Cots, 6 Tables, 6 Pitchers W. G., 24 Bowls W. G., 48 Saucers W. G., 48 Plates W. G., 6 Candle Sticks, 20 Tin Pans.

Respectfully submitted,

W. CRANCH, Storekeeper W. S. C.

St. Louis, November 12, 1863.

N. B.—The above statement does not include stores issued to Division Corps and General Hospitals.

REPORTS OF COMMITTEES.

By Senator Patterson: Your Committee on Judiciary, to whom was referred Senate File No. 100: A Bill for an Act to amend section 1, Chapter 154, of the Acts of the Ninth General Assembly, having duly considered the same, instruct me to report said bill back without amendment, and recommend its passage.

J. G. PATTERSON.

By Senator Burdick:

Mr. PRESIDENT:—The Committee on the Judiciary, to whom was referred Senate File No. 69: A Bill for an Act to amend Chapter 67 of the Revision of 1860, have instructed me to report the same back and recommend that the bill be amended by striking out Sec. three, and inserting the following:

Sec. 3. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than five nor more than fifty dollars, or be imprisoned in the county jail of the proper county not to exceed thirty days.

All of which is respectfully submitted.

M. V. BURDICK.

By Senator Crookham: The Judiciary Committee, to whom was referred Senate File No. 104, beg leave to report that they have carefully examined said bill, and come to the conclusion that a change in our laws on the subject would be of very questionable benefit, and therefore report the same back and recommend that it be indefinitely postponed.

We have also examined Senate File No. 122, and we recommend the passage of the same.

J. A. L. CROOKHAM,

For the Committee.

By Senator Foote:

Mr. PRESIDENT:—The Committee on Ways and Means, to whom was referred the "resolution instructing them to consider the propriety of extending State aid in bounties to volunteers under the

recent call of the President," have had the same under consideration, and have instructed me to report that they do not consider it expedient at this time. JOHN G. FOOTE, Ch'm.

By Senator Brunson: The Committee on Military Affairs have had under consideration House File No. 11, entitled an Act to repeal Chapter 11 of the Acts of the Extra Session of the Eighth General Assembly, and beg leave to report the same back without amendment, and recommend its passage.

By order of Committee.

H. S. BRUNSON.

By Senator Cutts:

MR. PRESIDENT:—Your Committee on Elections, to whom was referred Senate File No. 79: A Bill for an Act to ascertain the citizens entitled to right of suffrage and to prevent fraudulent voting, have had the same under consideration, and have instructed me to recommend its indefinite postponement.

M. E. CUTTS.

Senator Brayton presented the following Minority Report:

The undersigned, a minority of the Committee, to whom was referred the several petitions praying for the enactment of a Registry Law, and Senate File No. 79, believing that the existing laws do not afford sufficient protection against illegal voting, would recommend the passage of the accompanying substitute for Senate File No. 79, which is hereby respectfully submitted:

MR. PRESIDENT:—The Committee, to whom was referred substitute for House File Nos. 25 and 15, have had the same under consideration, and instructed me to report the same back to the Senate and recommend its indefinite postponement.

J. M. BRAYTON, Chairman.

Senator Brown, from a Special Committee, submitted the following report.

The Special Committee, to whom was referred the petition of citizens of Monroe County, praying for the enactment of a law to enforce the more strict observance of the Sabbath, beg leave to report that they have had the same under consideration, and have instructed me to report that in their opinion no further legislation is necessary.

Z. BROWN, Ch'n Special Committe.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined House substitute for Senate File No. 84: "A Bill for an Act to authorize the State Treasurer to purchase a safe for his office," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

Messages from the House:

House File No. 16: A Bill for an Act to regulate Grist Mills and define the duties of millers and mill owners, was taken up,

read first and second times, and referred to Committee on Agriculture.

Senate File No. 18: A Bill for an Act to increase the number of Judges on the Supreme Bench, was taken up.

Senator Burdick moved to lay on the table.

Upon this question the yeas and nays being demanded by Senator McCrary of Lee,

The yeas were Senators Burdick, Brunson, Brayton, Boardman, Brown, Clarkson, Cutts, Gray, Hunt, Hilsinger, Knoll, and Patterson—12.

The nays were Senators Bassett, Bridges, Crookham, Clark, Foote, Flaugh, Gue, Hillyer, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Woolson—22.

The motion to table was lost.

Upon the question, "Shall the amendment be concurred in?"

The yeas were, Senators Bassett, Bridges, Crookham, Clark, Foote, Hart, Henderson, Hogin, Hillyer, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Roberts, Saunders, Shippen, Udell, Wharton and Woolson—22.

The nays were, Senators Burdick, Brunson, Brayton, Boardman, Brown, Clarkson, Cutts, Flaugh, Gray, Hesser, Hunt, Hilsinger, Knoll, Patterson and Ross—15.

The amendment was not concurred in.

Senator Ross moved to reconsider the vote just taken. Carried.

On motion of Senator Udell, the bill was referred to Committee on Judiciary.

House File No. 49: A Bill for an Act granting the right of way to open and drain coal mines, was read first and second time, and Senator McCrary, of Lee, moved the following amendment to Sec. six: Strike out of second and tenth lines the words "them all," and insert "at least four of the jurors."

Bill was referred to Committee on Roads.

House File No. 60: A Bill for an Act to extend the privileges of Article 4, Chapter 54, of the Revision of 1860, so as to apply to the construction of mill races, was read first and second time, and referred to Committee on Internal Improvements.

House File No. 35: Bill for an Act providing for canvassing the votes for Senators and Representatives in the General Assembly, elected by Districts composed of more than one County. Read first and second times and referred to Committee on Elections.

The House resolution relating to distribution of the Report of the State Agricultural Society was read and referred to Committee on Agriculture.

House File No. 6: A Bill for an Act empowering Counties to offer bounties on Scalps of Wild Animals. Read first and second time and referred to Committee on Agriculture.

On motion of Senator Clark, House substitute for House File Nos. 48 and 49 was taken up.

Senator Henderson moved to fill the blank in the Committee's amendment with \$50,000. Carried.

On motion of Senator Henderson the amendment was amended by inserting after "bond" the words "approved by the Governor." The amendment as amended was then adopted.

On motion of Senator McOrary of Lee, the vote just taken upon the adoption of the amendment was reconsidered.

Senator Patterson was granted leave to introduce Senate File No. 124: A Bill for an Act to amend subdivision 5 of Sec. 663 of the Revision of 1860. Bill read first and second times and referred to Committee on Township and County Organizations.

Senator Knoll moved that when the Senate adjourn it adjourns until 10 o'clock, A. M., of Monday.

Senator Woolson moved to strike out "10" and insert "9." Lost.

The original motion prevailed.

The Bill under consideration was referred to the Judiciary Committee.

Senator Henderson offered the following resolution, which was adopted :

Resolved, That the President of the Senate be authorized to appoint a Standing Committee "on Constitutional Amendments" to consist of three members.

Senator Henderson offered the following resolution :

Resolved, That the Committee "on Constitutional Amendments" be directed to enquire into the expediency of amending Section 30, Art. 3 of the Constitution, so as to admit of special or local laws in some cases now prohibited by said Section.

Senator Hunt moved to make the resolution a special order for Tuesday next at 2 P. M.

On motion of Senator Brown the Senate adjourned.

SENATE CHAMBER, }
Des Moines, February 8th, 1864. }

The Senate convened at 10 o'clock A. M.

Prayer by the Rev. Thompson Bird.

Journal of yesterday was read and approved.

Chair announced the arrival of the hour for special order House File No. 7 : A Bill for an act to amend chapter 103 of the acts of the Ninth General Assembly, entitled an act for the distribution of the Adjutant General's Report. The special order was postponed one half hour.

MEMORIALS AND REMONSTRANCES.

By Mr. McCrary of Van Buren : A memorial of James Kinersley praying for the passage of an act for payment of his claim growing out of the Des Moines River Improvement.

Referred to committee on Des Moines River Lands.

By Mr. McCrary of Lee : A petition on the same subject from Gray & Co. Same reference was made.

By Mr. Higin : A petition from 450 citizens of Keokuk county, praying for the repeal of the present prohibitory Liquor Law, and the enactment of a License Law instead thereof. Referred to committee on that subject.

By Senator Foote : A petition from the citizens of the city of Burlington, asking an amendment to their City Charter. Referred to Committee on Incorporations.

INTRODUCTION OF BILLS.

By Senator Foote: Senate File No. 125 : A Bill for an act authorizing municipal authorities to provide for repairs of streets, alleys, sidewalks, &c. Read first and second time and referred to Committee on Incorporations.

By Senator Moore : Senate File No. 126 : A Bill for an act to require persons holding over in office pending a contest to give bond, and for other purposes. Read first and second time and referred to Judiciary Committee.

RESOLUTIONS.

By Senator Brunson : The following Resolution which was adopted :

Resolved, That the Committee on the Judiciary be instructed to enquire whether any farther legislation is necessary to give County Judge jurisdiction over cases of insanity in his County and if so, what? and report to the Senate by bill or otherwise.

By Senator Bassett: A Joint Resolution asking Congress for additional mail facilities in Webster and Humboldt Counties. Referred to Committee on Federal Relations.

On motion of Senator Woolson Senate File No. 4: A Bill for an Act providing for Assistant Collectors, and for the better collection of taxes was taken up and referred to Committee on Township and County Organizations.

REPORTS OF COMMITTEES.

Senator McCrary from Judiciary Committee submitted the following report :

MR. PRESIDENT:—The Committee on the Judiciary to whom was

referred House File No. —: A Bill for an Act authorizing and requiring the sale or exchange of specie now in the State Treasury for Legal Tender Notes of the United States, together with the several pending amendments, have had the same under consideration, and have instructed me to report the same back and recommend that the pending amendments be not adopted. We recommend the adoption of the following as a new Section, to-wit:

Sec. 3. Before making sale of said specie, the said Treasurer shall give notice that the same is for sale, by publication in one newspaper to be selected by him, in Des Moines, one in Chicago, and one in New York, which publication shall be made at least three days in such papers and no sale shall be made under 10 days from the last publication.

The report of the Committee was adopted.

On motion of Senator McCrary, of Lee, section 2 of the Bill was stricken out.

Senator Woolson moved to amend by striking out all after the enacting clause and insert as follows: Should it be found necessary in the opinion of the Treasurer of the State, to use the gold now or hereafter in the Treasury by paying on the debts of the State, such Treasurer shall before paying it out, realize on the same the market value of such gold either by selling the same for par currency, or by getting the market value at the time it shall be so used, from the person to whom it shall be sold.

On motion of Senator Henderson it was recommitted to the Committee on Ways and Means.

On motion of Senator Brayton, the Senate proceeded to the consideration of the special order.

House File No. 7: A Bill for an Act to amend chapter 103 of the Acts of the 9th General Assembly, entitled an Act to provide for the publication and distribution of the Adjutant General's Report, was read, when the following communication was received from the Secretary of State:

STATE OF IOWA, }
OFFICE of SECRETARY STATE. }

HON. E. W. EASTMAN, President of the Senate:

MR. PRESIDENT:—I have the honor to acknowledge the reception of the following Resolution, from your honorable body:

"Resolved by the Senate, That the Secretary of State be requested to furnish, at his earliest convenience, a full statement of all the facts connected with the distribution of the Adjutant General's Report of 1863, to the members of the Ninth General Assembly."

I am glad, Mr. President, that the honorable Senate has afforded me the opportunity of presenting *all* the facts connected with this matter to the Senate.

In the first place, the Adjutant General was supplied with the number of copies which the law allowed him.

On or about the 6th day of October, last, I sent by express to each member of the Ninth General Assembly three copies of the Report in question, at the cost of the recipient; there being no means placed at my disposal for its distribution, nor any method prescribed by law for such distribution. I also sent by mail a notice to each member informing him of the fact that the Report was sent, and advising them where it would be found. It is proper to inform the Senate that the whole of the Reports were not delivered to me until about the 10th day of November last.

Here the matter rested until the meeting of the present General Assembly.

The law also provides that the Adjutant General should have 2,000 copies, and that he should send to each commissioned officer in the several regiments from this State, one copy of the Report, also to exchange with the Adjutant Generals of other States, and of the United States. It is also proper to remark that owing to the increase (after the passage of the law) of the number of the Regiments, that the Reports assigned to the Adjutant General were found to be insufficient to supply each commissioned officer with a copy. Of this fact the Adjutant General advised me early in the season.

A few days after the meeting of the present General Assembly, I was waited upon by a number of the members of the Senate, who were also members of the 9th General Assembly, and requested by them to distribute to them their share of this Report.

It was also understood (and the fact spoken of at the time) that a bill had, or would soon be introduced, authorizing a different distribution of these books. I informed the Senators that I considered the Report in question as their property, and with my views of the law I should make no other distribution, than that authorized by the law of 1862.

I think also upon that occasion it was understood that each commissioned officer in the army from this State, was also entitled to one copy of this Report. I am certain that I had such a conversation with some of the Senators.

After the above interview with the Senators, upon mature reflection, in view of the fact that the Adjutant General had constantly urged that an imperious necessity existed that a portion of these books should be retained so as to enable him to comply with the law; and in view of the fact that the present General Assembly had taken the matter in hand, with a view of making a different disposition of this Report than that contemplated in the law of 1862, I say in view of all these facts, I deemed it most prudent for me to get the advice of the Attorney General upon this subject; consequently I wrote a note to Dr. Udell informing him that I would deliver no more books to old or new members until I obtained the opinion of the Attorney General upon this subject, ex-

pressing at the same time, a hope that his opinion would be satisfactory to all concerned.

In the mean time, the bill now before the Senate passed the House of Representatives. During its pendency I had a conversation with the Attorney General, and he thought it best to defer an opinion until the bill had been before both branches of the General Assembly, so as to present the whole question at once. You will readily see, Mr. President, that I have been placed under very embarrassing circumstances.

The members of the 9th General Assembly on one hand, the Adjutant General on the other, with the fact that the General Assembly had the matter in hand, all tended to greatly embarrass me in this matter. I can, I think, fully appreciate the feelings of the old members of the Senate, but they look at this matter from *one* stand point—my position compels me to view it from another; and I can assure the Senate that I have not willfully erred in this matter. I have intended, and still intend to carry out the law in reference to this, as well as all other matters connected with the duties of my office.

In conclusion, Mr. President, allow me to assure the Senate that I feel bound to distribute the Report in question in strict accordance with the law as it *now* stands upon the State book, unless otherwise ordered by the Legislature.

Again thanking the Senate for allowing me a hearing upon this subject, I am, Mr. President,

Your most obedient servant,
JAMES WRIGHT, Sec'y State.

Des Moines, Feb. 8, 1864.

Senator Brayton moved to read the bill a third time now.

Senator Saunders moved to amend the bill by providing that the number of copies to be distributed to each member of the present General Assembly be increased to five.

Senator Brown moved to amend by giving three copies to the members of the 9th General Assembly, and six copies to each member of the present 10th General Assembly. Lost.

The amendment proposed by Senator Saunders was adopted.

Senator Bassett moved to amend Section 1, by inserting in the tenth line after the words "General Assembly," the words "who is a member of the present General Assembly."

Senator Henderson moved the previous question, and on the question "Shall the motion be seconded?" Senator Burdick demanded the yeas and nays.

The yeas were Senators Brayton, Cutts, Flaugh, Hart, Henderson, Hillyer, Hunt, McCrary of Lee, Patterson, Ross, Wharton and Woolson—12.

The nays were Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Clarkson, Crookham, Dixon, Foote, Gray, Hogin, Hatch, Hilsinger, Knoll, McCranky of Van Buren,

Moore, McMillan, Parvin, Roberts, Saunders, Stubbs, Shippen, and Udell—25.

The motion did not prevail.

Senator Clark was excused from attendance.

Senator Stubbs moved to re-commit to Ways and Means with instructions. Lost.

The amendment proposed by Mr. Bassett was lost.

Senator McCrary of Lee moved that the bill be now read a third time.

Senator Shippen moved to adjourn.

The bill was ordered to its 3d reading. On the question "Shall the Bill pass?"

The yeas were, Senators Burdick, Brayton, Cutler, Clarkson, Crookham, Foote, Henderson, Hillyer, Hunt, Hatch, Hillsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Wharton and Woolson —22.

The nays were, Senators Bassett, Brunson, Boardman, Brown, Bridges, Cutts, Dixon, Flaugh, Gray, Hart, Hogin, Knoll, Roberts, Stubbs, Shippen and Udell—16.

Not being a constitutional majority, the bill did not pass.

Senator Gray from the Committee on Engrossed Bills, submitted the following report :

The Committee on Engrossed Bills have examined Senate File No. 64 : A Bill for an act to amend chapter 175, acts of the Ninth General Assembly at its regular session, and find the same correctly engrossed.

G. W. GRAY, Chairman.

Senator Cutts moved to reconsider the vote on House File No. 7 by which it was lost.

Senator Burdick moved to lay the motion on the table.

The yeas and nays were demanded.

The yeas were, Senators Burdick, Brunson, Boardman, Bridges, Gray, Hunt, Hatch, Knoll and Udell—9.

The nays were, Senators Bassett, Brayton, Brown, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Flaugh, Hart, Henderson, Hogin, Hillyer, Hillsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Woolson and Wharton—29.

The motion to table was lost.

The vote was reconsidered.

On motion the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock p. m.

The President stated that Mr. Davis, Secretary of Senate, was

confined to his room by sickness, and that it would be necessary, during his illness, to have another Assistant Secretary.

On motion of Senator Udell, a committee of three was appointed to procure said Assistant Secretary, consisting of Senators Udell, Hatch and Foote.

The Senate took up House File No. 7, which was before the Senate at the time of its adjournment to-day, and on the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Flaugh, Hart, Henderson, Hillyer, Hunt, Hatch, Hilsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—31.

The nays were, Senators Boardman, Brown, Bridges, Gray, Hogin and Knoll—6.

Senator Ross absent without excuse.

The Bill passed and title was agreed to.

House File No. 17 : A Bill for an act for the relief of Catharine Morris, sister of Edwin Morris, deceased, was taken up.

On motion of Senator Henderson the Bill was indefinitely postponed.

The following message was received from the House.

MR. PRESIDENT :—I am directed by the House of Representatives to inform your Honorable Body that they have passed House File No. 80 : A Bill for an act entitled an act providing for auditing the account of J. L. Mason of Bentonsport, Iowa. In which the concurrence of the Senate is respectfully asked.

Also that the House of Representatives have concurred in the Senate amendments to House File No. 8 : A Bill for an act to provide for the printing and distribution of the Adjutant General's Report for 1864.

Also that the House of Representatives has adopted the following Joint Resolution :

Resolved by the General Assembly of the State of Iowa, That in our present worthy Chief Magistrate, Abraham Lincoln, we recognize a Statesman and Patriot who has the wisdom to perceive, and the courage to meet, the responsibilities of his high position. That the measures of public policy adopted by his Administration for the overthrow of the rebellion, the maintenance of the Union, and the enforcement of the laws, merit and receive our warmest endorsement and approbation; and that by a re-nomination and re-election to the office he now so ably fills, he should have the opportunity to finish the work of crushing out treason and rebellion; and we hereby declare it to be our deliberate conviction, that in adopting this resolution, we do but give expression to the will of the loyal people whom we represent.

In all of which the concurrence of the Senate is respectfully asked. JACOB RICH, Chief Clerk.

Senator Foote, from the Committee on Ways and Means, submitted the following:

MR. PRESIDENT:—The Committee on Ways and Means, to whom was referred the House amendments to Senate File No. 117, concerning mileage, have had the same under consideration, and find the amendment to the Senate appropriation, Sec. 2, is on account of the addition of the mileage of the Senator from Jones county, in which I am instructed to recommend concurrence.

The Committee find the amendment to the House appropriation, Sec. 3, is on account of the addition of the mileage of the Chief Clerk of the House, and they have instructed me to recommend that the amendment should not be concurred in, as they know of no requirement, either in the letter or spirit of the law, for such an appropriation.

JOHN G. FOOTE.

And on the question, "Shall the amendment of the House to section two be concurred in?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—36.

The nays were, none.

Absent and not excused, Senators Clarkson and Udell.

The amendment was concurred in.

On the question, "Shall the amendment of the House of Representatives to third section be concurred in?"

The yeas were, none.

The nays were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton, Woolson and Young—36.

Absent and not excused, Senators Clarkson and Udell.

The amendment was not concurred in.

REPORTS ON FILE.

Report of Committee on Ways and Means on Senate File No. 10: A Bill for an Act to amend Sec. 5, of Chap. 19, of the laws of the Ninth General Assembly, entitled an Act fixing the salaries of certain officers, was taken up.

Senator Cutts moved to amend the substitute reported by the Committee, by striking out "ten dollars," as fees for jury trials, and inserting "five dollars." Carried.

Senator Udell, from the Committee appointed to procure a Second Assistant Secretary for the Senate, was granted leave to report that they had procured the services of Mr. J. F. Seely, of Polk county.

Mr. Seely appeared, and was duly sworn by the President.

Senator Knoll moved to indefinitely postpone the bill under consideration.

Senator Hilsinger offered the following amendment: Insert after the word "collected," in the 13th line of the first section, "except upon fines collected in cases for the prosecution of which a fee is provided by this Act." The amendment was lost.

The substitute was adopted.

The bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Dixon, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hillyer, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Roberts, Saunders, Stubbs, Shippenn, Udell, Wharton and Woolson—29.

The nays were, Senators Brown, Bridges, Clarkson, Crookham, Cutts, Hunt, Hilsinger, Knoll and Patterson—9.

The bill passed and title was agreed to.

On motion of Senator McCrary, of Van Buren, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, February 9th, 1864.

Senate convened at 10 o'clock A. M.

Prayer by Rev. Thompson Bird.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator McCrary, of Lee, a remonstrance by 1200 citizens of Lee county against the repeal of the "Prohibitory Liquor Law."

By Senator Dixon, a petition for repeal of Liquor Law, and the passage of a License Law. Both referred to Special Committee on Liquor Law.

The following message was received from the House by its Chief Clerk:

MR. PRESIDENT:—I am directed to inform the Honorable Senate that the House of Representatives has passed House File No. 61: A Bill for an Act for procuring statistical information with regard to the destruction of sheep.

Also, substitute for House File No. 54 and House File No. 23 : A Bill for an Act to legalize the Acts of counties and municipal corporations in levying taxes and making appropriations for the benefit of volunteers or their families ; in which the concurrence of the Senate is respectfully asked.

Also, that the House have passed Senate File No. 9 : A Bill for an Act to amend chapter 53 of the Revision of 1860, entitled "Corporations other than those for pecuniary profit," without amendment.

Also, that they have concurred in Senate amendments to House File No. 7 : A Bill for an Act to amend chapter 103 of the Acts of the 9th General Assembly, entitled an Act to provide for the publication and distribution of the Adjutant General's Report.

Also, that the House has receded from its amendment to section 3 of Senate File No. 117 : A Bill for an Act making appropriations for the payment of the mileage of the members of the 10th General Assembly.

JACOB RICH, Chief Clerk H. R.

Senate File No. 57 : A Bill for an Act providing for a more equal representation of the Board of Supervisors, was taken from the table and referred to Committee on County and Township Organization.

REPORTS OF COMMITTEES ON FILE.

Report of the Committee on Roads on Senate File No. 16 : A Bill for an Act to amend sections 829 and 840 of the Revision of 1860, relating to roads, was taken up.

The substitute offered by the Committee was adopted, and read a third time.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Cutts, Dixon, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—36.

The nays were, Senators Burdick, Crookham and Parvin—3.

Bill passed and the title amended by adding "entitled of roads and highways."

Report of the Committee on the claim of Charles Fitch for services as Assistant Surgeon of 4th Iowa Cavalry, with recommendation from the committee, that the same be disallowed, was taken up and the report of the committee adopted.

Report of the Committee on House File No. 34 : A Bill for an Act to provide for issuing certain process on Sunday, was taken up and Bill read a third time.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutts, Dixon, Flaugh, Gray, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen and Wharton—32.

The nays were, Senators Cutler, Foote, Hilsinger, McMillan and Parvin—5.

Absent and not excused—Senators Udell and Woolson.

Bill passed and title agreed to.

On motion of Senator Henderson the vote by which House File No. 17: A Bill for an Act for the relief of Catharine Morris, sister of Edward Morris, deceased, was indefinitely postponed, was reconsidered and the Bill referred to a Special Committee with Senator Cutler Chairman.

House File No. 26: A Bill for an Act to amend Chapter 173 of the Revision of 1860 was taken up and read a third time. On the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Cutts, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton, Woolson and Young—37.

The nays were, Senator Dixon.

Absent and not excused, Senator Udell.

Bill passed and title agreed to.

Report of Judiciary Committee on Senate File No. 85: A Bill for an Act to provide for the compensation of printers for publishing Legal Notices in certain cases, was taken up, and on motion of Senator Henderson referred to the Committee on Printing.

The Report of the Committee on Ways and Means on a Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their endeavors to have the time extended in which the State must erect an Agricultural College, was taken up and the resolution adopted.

The report of the Committee on Agriculture on Senate File No. 58: A Bill for an Act concerning Division Fences in certain cases was taken up and indefinitely postponed.

The report of the Committee on Schools on Senate File No. 91: A Bill for an Act for the encouragement of Public Libraries was taken up, recommending that the blank be filled with "200" volumes was adopted. Bill read a third time and on the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Butler, Crookham, Cutts, Dixon, Hart, Henderson, Hillyer, Hunt, Hilsinger, Knoll, McJunkin, McCrary of Lee,

McCravy of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Saunders, Stubbs, Shippen, Wharton and Woolson—28.

The nays were, Senators Burdick, Clarkson, Foote, Flaugh, Gray, Hogin, Hillyer, Hatch, Ross, Roberts and Udell—11.

Bill passed and title agreed to.

Senator Henderson from Judiciary Committee was granted leave to make the following report:

The Judiciary Committee to whom was referred Senate File No. 118, have had the same under consideration and directed me to report the annexed substitute therefor and recommend the passage of the same.

INTRODUCTION OF BILLS.

By Senator Hunt: Senate File No. 127: A Bill for an Act to amend Section 4220 of Chapter 165 of the Revision of 1860. Read first and second times and referred to the Committee on Judiciary.

By Senator Udell: Senate File No. 128: A Bill for an Act to repeal a portion of Section 4347 of the revision of 1860.

Also, Senate File No. 129: A Bill for an Act to amend Section 4207 of the Revision of 1860.

Bills read first and second times and referred to Committee on Judiciary.

By Senator Parvin Chairman of the Select Committee on Sanitary Affairs: Senate File No. 130: A Bill for an Act making an appropriation to meet the extraordinary expenses of the Executive Department and to provide for relief of the sick and wounded soldiers in the service of the United States from the State of Iowa. Read first and second times and referred to Committee on Ways and Means.

Senator Parvin from Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate File No. 76: "Joint Resolution of Instructions to our Senators and Representatives in Congress, in relation to pensions to widows of deceased Chaplains and Surgeons in the army."

Also substitute for Senate File No. 49: "A Bill for an Act changing the rate of interest on warrants on the State Treasurer."

Also Senate File No. 39: "A Bill for an Act to repeal Sections 4779 and 4780, of the Revision of 1860, and to provide a substitute therefor."

Also House File No. 8: "An Act to provide for the printing and distribution of the Adjutant General's Report of 1864," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

Senator Moore, from the Committee on Printing, submitted the following report:

The Committee on Printing, to whom was referred the report of

Mrs. Annie Wittenmyer, State Sanitary Agent have had the same under consideration, and instructed me to report the accompanying joint resolution and recommend its adoption:

Resolved by the General Assembly of the State of Iowa, That there be printed three thousand copies of the report of Mrs. Annie Wittenmyer, State Sanitary Agent; and that fifteen hundred copies of said report be placed in the hands of said Agent for distribution to the Aid Societies and to the army, five hundred copies for the use of the Senate, and one thousand copies for the use of the House.

Senator Roberts, from the Committee on Railroads, submitted the following report:

The Railroad Committee, to whom was referred Senate File No. 98, beg leave to say that they have had the same under consideration, and have directed me to make the following report: They unanimously recommend the passage of the Bill, with the following substitute for the original *title*.

An Act to authorize the Keokuk, Ft. Des Moines & Minnesota Railroad Company to issue *preferred* stock, and to change its name.

B. F. ROBERTS, Chairman.

Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, }
Des Moines, February 10th, 1864. }

Senate convened at 10 o'clock A. M.
Prayer by Mr. Rev. Bird.

PETITIONS AND MEMORIALS.

By Senator Brayton, a petition from citizens of Delaware County asking for the repeal of Liquor Law, and the passage of a License Law.

Referred to Special Committee on Liquor Law.

By Senator Hilsinger, a petition by the Board of Supervisors of Jackson County, relating to Township Collectors.

Referred to Committee on Township and County Organization.

Also a petition by the Board of Supervisors of Jackson County relating to the bounty on wolf scalps.

Referred to Committee on Agriculture.

By Senator Henderson, a communication from F. Baum, recommending the enactment of a law opening section lines for roads when required by an actual interior settler.

Referred to Committee on Roads.

By Senator Burdick, a petition asking for a change of time of holding Courts in the 10th Judicial District.

Referred to Committee on Judicial Districts.

By Senator Udell, a petition by the Board of Supervisors of Appanoose County asking for the passage of a special act authorizing J. H. Hough and G. S. Stansbury to revise the indices in the Recorder's office of said county.

On motion of Senator Udell, referred to Select Committee of three.

The Chair appointed on the Committee Senators Udell, Hunt and Bridges.

By Senator Hunt, a claim of Col. Samuel Merrill on contract for furnishing military clothing to the State.

On motion, referred to Committee on Claims, with the power to send for persons and papers.

The Chair announced as special Committee on House File No. 17: A Bill for an Act for the relief of Catharine Morris, sister of Edward Morris, deceased, Senators Cutler, Dixon and Boardman.

Leave was granted to take up report of Committee on Senate File No. 36: A Bill for an Act to amend Section 2, Chapter 173, of the Acts of the Ninth General Assembly, in relation to City and Town Assessors.

Substitute offered by the Committee adopted.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Cutts, Dixon, Flaugh, Gray, Hart, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson—38.

The nays were, Senator Henderson—1.

Absent and not excused, Senator Foote.

Bill passed and title agreed to.

REPORTS OF COMMITTEES.

By Senator Bordman from the Committee on Schools and School Lands, the following report:

The Committee on Schools and School Lands to whom was referred Senate File No. 63: Being a Bill for an Act supplemental to the Act of the Ninth General Assembly entitled "An Act for the better protection of the School Fund," beg leave to report that they have had said Bill under consideration, and would recommend that the first Section thereof be stricken out and the following inserted instead, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the State of Iowa, That it shall be the duty of the several County Treasurers of this State on the first Monday of April and October of each and*

every year, or within ten days thereafter, to report to the State Auditor and pay over to the State Treasurer all the money belonging to the Permanent School Fund, which may be accumulated at such times and not loaned according to the provisions of the Act to which this is an amendment, in the same manner as is now required for reporting and paying over other State funds in the hands of County Treasurers by Section 799 of the Revision of 1860, and under a like penalty for failing to so report and pay over.

Also, that the blank in the first line of Sec. 2, be filled with five.

Also, to strike out Sec. 3 and Sec. 14.

Also, to add a publication clause, and thus amended they recommend the passage of the bill.

Respectfully submitted,

N. BOARDMAN, Chairman.

By leave granted, Senator Gray introduced Senate File No. 131 : A Bill for an Act to provide for the sale of the Swamp Lands in the several Counties of this State. Read first and second times and referred to Committee on Public Lands.

REPORTS OF COMMITTEES NOT PREVIOUSLY ACTED UPON.

Senate File No. 54 : A Bill for an Act to locate the Executive Office, provide for Official Records and to fix the Governor's salary was taken up.

Senator Woolson moved to strike out in the 1st Section all after the words "Des Moines" in the 2d line and insert the words "at which place he shall keep a Secretary during his absence."

Message from the House:

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has passed House File No. 74 : A Bill for an act to amend chapter 57 of the Revision of 1860.

Also that the House has passed Senate File No. 48 : A Bill for an act to provide for reporting the decisions of the Supreme Court of this State, with the following amendments : Strike out the words "and one copy to each public library in the State," in section 10, and add another section as follows : "Section 13. Such Reports shall not be sold by the Reporter or any other person, at a rate higher than five dollars a volume, and if any person shall sell any volume of said Reports in violation of the provision of this act, he shall, on conviction thereof, pay a fine of two hundred dollars," and have amended the title by inserting after the word "reporting" the words "publishing and distributing," in all of which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

Senator Henderson moved as an amendment to the amendment, to retain the whole of section No. 1, and adding the words "Provided that a statement inserted in the official act by the Governor

shall be *prima facie* evidence of such exigency." Amendment lost.

The amendment offered by Senator Woolson was adopted.

Senator Patterson moved an amendment that the word "the" in the second line be stricken out and the word "an" inserted. Amendment lost.

Senator Shippen moved an adjournment. Lost.

Senator Henderson moved an indefinite postponement of the Bill. Lost.

On motion of Senator McCrary of Lee, Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

The President announced that the hour had arrived for the consideration of special order—Senate File No. 50 : A Bill for an act providing for the taxation of the property of Railroad Corporations.

Senator Knoll moved that the Bill be made special order for February 18th at 2 o'clock P. M. Lost.

Senator Knoll moved that the Bill be referred to the Committee on Railroads. Lost.

On motion of Senator Hunt the Bill was placed in its original position on the files of the Senate, being upon its second reading.

President announced as the Standing Committee on constitutional amendments, Senators McJunkin, Stubbs and Hart.

On motion of Senator Burdick, Senator Cutler was added to the Standing Committees on Military Affairs, Commerce and Public Lands.

Senator Dixon, from Joint Committee appointed to visit the Iowa Hospital for the Insane, was granted leave to submit the following report:

The Committee appointed by Joint Resolution of the Senate and House of Representatives, to visit the Hospital for the Insane, have visited that Institution and would respectfully report.

The Committee desiring to recommend that an appropriation be made sufficient to make such improvements *only* as are actually needed, gave each of the objects for which an appropriation is asked, by the Trustees and the Superintendent, a careful examination; and while the Committee fully concurs with the officers of the Asylum, that everything which they ask an appropriation for is needed, we think, as large amounts are at present required to prosecute the war, and to build up other State institutions, an appropriation for some of the purposes mentioned by them *may* and perhaps *should* be deferred till the meeting of the next General Assembly. They ask the following amounts for the following purposes:

1st.	To finish the unfinished wards and rooms,	\$4,000.00
2d.	Furniture,.....	2,500.00
3d.	Gas-Works,	4,000.00
4th.	Constructing additional cistern,.....	1,500.00
5th.	Reconstructing sewers,.....	1,000.00
6th.	Contingent repairs,.....	1,500.00
7th.	Grading and improving grounds,.....	1,000.00

Making..... 15,500.00

We would urge an appropriation to the amounts stated below, for the following purposes, and give them in the order of their importance:

1st.	To repair and extend sewers,.....	\$1,000.00
2d.	Pavement around Hospital,.....	1,000.00
3d.	To finish wards,.....	4,000.00
4th.	To furnish wards,.....	2,500.00
5th.	To construct cistern,.....	1,500.00
6th.	For contingent expenses,.....	500.00

Making..... \$10,500.00

1st. It is of the greatest importance that the sewers, which are underneath the main passages of the building and constructed of brick, should be taken up and cast-iron pipes about 8 inches in diameter be substituted, for the reason that through these brick sewers noxious gases arise which are necessarily carried up with the heated air through the flues to every part of the building, thus unavoidably endangering the health of the patients.

2d. A pavement around the whole building about ten feet wide is, in our estimation, necessary, in order to carry water off from the building and to prevent it sinking around the foundation. We noticed that the cellar floor was wet in most places around on the inside of the outer walls, and that it was standing two or three inches deep in one place. This water, evidently, soaked through under the foundation, and if so, the heavy walls are in danger of sinking and cracking.

3d. The unfinished wards are nearly completed. They need little more than painting, after the windows are supplied with grates. And as all of the finished wards are now full, and the unfinished wards will certainly be needed before the next meeting of the Legislature, good policy, as well as humanity, requires that they should be at once put in order for the reception of patients.

4th. If these wards should be completed, they must be furnished and as additional furniture must by some means be obtained for the completed wards, we think the sum of \$2,500 not too much for this purpose.

5th. Owing to the fact that the supply of water furnished by

the artesian well is so strongly impregnated with lime and other foreign substances as to make it ruinous on the steam and water pipes which are used in heating and supplying the building with water, we think an additional cistern should be constructed, as the injury to these pipes and to the machinery would soon be much greater than the cost of the cistern.

6th. In recommending that \$500 be appropriated for contingent expenses, we believe that it is as small an amount as the institution should be limited to for the many incidental expenses which must unavoidably arise.

It is in our estimation highly important that the grounds around the building should be planted with evergreens and forest trees, and we think that an appropriation of \$1,000, for this purpose could be profitably expended. Should trees be now planted they would in a few years add greatly to the beauty of the grounds and have an excellent effect on the patients.

The whole building is supplied with gas pipes, yet we think it unnecessary at this time to make any appropriation for the purpose of putting in gas works. It is probably cheaper to light the building with coal oil, but this material is not so safe as gas would be. The safety of the building seems to be the principal reason for desiring gas at this time, and as the building is otherwise well secured against fire, we do not think that gas is at present absolutely indispensable.

The Superintendent says in his report that "a plain but commodious carriage or light omnibus should be procured in order that the more feeble patients may ride. This much needed aid to other treatment, has never yet been afforded this institution." We fully concur with the opinion of the Superintendent in this matter.

While an appropriation sufficient for the improvement of the grounds and for the purchase of a carriage or omnibus, might be deferred for two years longer, and are not perhaps so absolutely necessary as other matters mentioned above, we think it would be better to provide for each at this time, and we would recommend that for all of the objects herein specified an appropriation of \$12,000 be made by this General Assembly.

Your Committee feel that they cannot close this report without expressing their entire satisfaction with the general management of this institution. The building is not only well arranged for the accommodation of its unfortunate inmates but it seems to be the especial study of the Superintendent, his assistant and the Steward and his matron to make every inmate as comfortable and cheerful as possible, and to surround them with just such influences as are calculated to bring health and vigor to both body and mind.

Iowa may well be proud of the magnificent building which in her generosity she has erected for the reception and treatment of her most unfortunate children. And she may also be proud of

the wisdom and ability with which her charitable designs are being carried into practical operation.

D. A. HURST,
E. H. STILES,
On part of House.
J. W. DIXON,
On part of Senate.

On motion of Senator Udell report referred to Committee on Ways and Means.

On leave granted, Senator Dixon from Committee on Claims, submitted the following report on the claim of John Garoughty:

The Committee on Claims beg leave to report that they have had under consideration the claim of John Garoughty for about two thousand dollars, as Attorney in case of State vs. Tighlman, et. al., and would respectfully ask that the Committee be empowered to send for persons and papers, that we may be enabled to give the matter that investigation which its importance demands.

Your Committee would state that the suit was for the recovery of about \$100,000 worth of property, as appears from the evidence before them, of which the school fund was robbed by the fraudulent conduct of persons named by said Garoughty. Should the Committee be empowered to send for persons and papers, we think we may yet be able to save something to the school fund, and to make a satisfactory recommendation in relation to the claim of Mr. Garoughty.

J. W. DIXON,
Chairman Committee on Claims.

Report adopted.

The consideration of the bill before the Senate at its adjournment was resumed.

Senator Parvin moved to strike out all of first section after the enacting clause. The yeas and nays being demanded,

The yeas were, Senators Clarkson, Cutts, Henderson, Hurley, Hunt, Knoll, McJunkin, Patterson, Parvin, Stubbs and Woolson—11.

The nays were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Crookham, Dixon, Foote, Flauth, Gray, Hart, Hogin, Hillyer, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Ross, Roberts, Saunders, Shippen, Udell and Wharton—30.

So the amendment was lost.

Senator McJunkin moved to strike out all after the word "him" in second line of Section 2. Lost.

Senator Hilsinger moved to strike out the words "in the case of emergency," in 2d Section. Lost.

Senator Roberts moved to strike out Section 8. Lost.

Mr. Wharton moved to strike out Section 4.

Senator Woolson moved to amend the amendment by striking out all after the word "dollars" in 2d line of Section 4. Carried.

On the question "Shall Section 4 be stricken out?" the yeas and nays being called,

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Clarkson, Cutts, Dixon, Flaugh, Hart, Henderson, Hillyer, Hunt, McJunkin, Moore, Patterson, Parvin, Ross, Roberts, Stubbs, Shippen, Udell and Wharton—23.

The nays were, Senators Burdick, Brown, Crookham, Foote, Gray, Hogin, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, McMillan, Merrill, Saunders, Shippen and Woolson—18.

Section stricken out.

Senator Burdick moved the Bill be indefinitely postponed.

The yeas and nays being called,

The yeas were, Senators Bassett, Burdick, Gray, Henderson, Hogin, Hunt, Hilsinger, Knoll, McCrary of Lee, Parvin, Saunders, Stubbs, Udell and Woolson—14.

The nays were, Senators Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Hart, Hillyer, Hatch, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Shippen and Wharton—26.

Lost.

Senator Dixon moved to amend by inserting the following:

Sec. 4. The Governor shall receive as a compensation for his services an annual salary of two thousand four hundred dollars.

The yeas and nays being demanded,

The yeas were, Senators Burdick, Crookham, Dixon, Foote, Gray, Hogin, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, McMillan, Merrill, Saunders, Shippen, Udell and Woolson—17.

The nays were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Cutts, Flaugh, Hart, Henderson, Hillyer, Hunt, Knoll, McJunkin, Moore, Patterson, Parvin, Ross, Roberts, Stubbs and Wharton—23.

Amendment lost.

Senator Cutler, by consent, moved to amend section 3 by inserting after the word "kept," in first line, the words "at the executive office." Carried.

Senator Woolson moved to strike out section 5. Carried.

Senator Cutts moved to have the Bill engrossed and read third time to-morrow.

The yeas and nays being demanded,

The yeas were, Senators Brunson, Brayton, Boardman, Brown, Cutler, Clarkson, Cutts, Dixon, Foote, Hillyer, Hatch, McJunkin, McCrary of Van Buren, Moore, Patterson and Wharton—16.

The nays were, Senators Bassett, Burdick, Bridges, Crookham, Flaugh, Gray, Hart, Henderson, Hogin, Hunt, Hilsinger, Knoll,

King, McCrary of Lee, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Woolson—24.

Motion lost.

On motion of Senator Hart the Bill was read a third time.

On the question, "Shall the Bill pass?"

The yeas were, Senators Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Dixon, Foote, Hart, Hillyer, Hatch, King, McCrary of Van Buren, Moore, Merrill, Patterson, Ross, Roberts, Shippen, Wharton and Woolson—22.

The nays were, Senators Bassett, Burdick, Brayton, Cutts, Flaugh, Gray, Henderson, Hogin, Hunt, Hilsinger, Knoll, McJunkin, McCrary of Lee, McMillan, Parvin, Saunders, Stubbs and Udell—18.

Not being a constitutional majority the Bill did not pass.

On motion of Senator Burdick Senate adjourned till 10 o'clock A. M. to-morrow.

SENATE CHAMBER, }
Des Moines, February 11th, 1864. }

The Senate convened at 10 o'clock A. M.

Prayer by the Rev. J. M. Chamberlain.

Journal of yesterday was read and approved.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed Senate File No. 52: A Bill for an Act appropriating money for the State Library, with the following amendments, to-wit: Strike out "five" in Section 1, and insert "three," and strike out the word "Governor" in Section 2 and insert "Auditor of State," in which the concurrence of the Senate is respectfully asked.

Also, that the House of Representatives has passed Senate File No. 78: A Bill for an Act to repeal Chapter 39 of the Laws of the Extra Session of the Ninth General Assembly, without amendment.

Also, that the House has ordered printed the report of the Committee to visit the Asylum for the Insane.

J. RICH, Chief Clerk.

PETITIONS AND MEMORIALS.

By Senator Boardman: A petition from citizens of Clinton Co., asking for the repeal of the Prohibitory Liquor Law, and the passage of a License Law.

By Senator Dixon: A petition by citizens of Wapello County asking for the repeal of the Prohibitory Liquor Law and the passage of a License Law. Referred to the Committee on Liquor Law.

By Senator Brunson: A petition by the Board of Supervisors of Fayette County asking a division of the office of Treasurer and Recorder, and a provision for the system of Township Collectors. Referred to the Committee on Township and County Organizations.

The Chair appointed Senators Stubbs, Parvin, Clarkson, Wharton and Ross on the Joint Committee for the relief of the families of soldiers.

On motion of Senator Knoll, Senator Bassett was added to the Committee on Claims.

The Senate took up S. F. No. 71: A Bill for an Act extending relief to the wives and children of volunteers in the service of the United States to be paid out of the County Treasuries where the applicants reside, providing for raising revenue for the same, and the manner in which payment shall be made—and referred the same to the Joint Committee on Relief of Soldiers' Families.

On motion of Senator Hart, the vote by which the Senate failed to pass S. F. No. 54: A Bill for an Act to locate the Executive Office and provide for official records and to fix the Governor's salary, was reconsidered.

On the question, "Shall the Bill pass?"

The yeas were, Senators Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutler, Cutts, Dixon, Foote, Flauth, Gray, Hart, Hillyer, Hatch, Hilsinger, King, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Shippen, and Wharton—27.

The nays were, Senators Bassett, Burdick, Henderson, Hogin, Knoll, McJunkin, McCrary of Lee, Parvin, Saunders, Stubbs, Udell, and Woolson—11.

Bill passed and title amended by striking out the words "and to fix the Governor's salary."

REPORTS OF COMMITTEES NOT PREVIOUSLY ACTED UPON.

Senate File No. 77: A Bill for an act to prohibit certain male stock from running at large, was taken up, and on motion of Senator King the report of committee was adopted.

On motion of Senator King the Bill was ordered to be engrossed and read a third time to-morrow.

Senate File No. 97: A Bill for an act requiring reports from the Clerks of the several Boards of Supervisors in this State, concerning School Lands, on motion of Senator Woolson was retained upon the files and ordered to be printed.

The chair announced that the hour had arrived for the consider-

ation of the special order—Senate File No. 33 : A Bill for an act to fix and provide for the salary of the Adjutant General, and to provide a contingent fund for said office, which on motion of Senator Cutts was postponed until 2 o'clock P. M.

House File No. 53 : A Bill for an act to provide for the appointment of Commissioners to settle with certain sureties of James D. Eads, late Superintendent of Public Instruction, and conferring certain other powers upon said Commissioners, was taken up.

Senator Stubbs moved to insert the word "five" instead of the word "three" in section 5. Lost.

Senator Henderson moved as an amendment to insert in the fifth line of the first section after the word "Commissioners," the words "disinterested persons learned in the law." Lost.

Senator Henderson moved to amend by adding "Sec. 8. If any person or persons shall, after the adjournment of the present General Assembly, present any memorial, claim or communication to the General Assembly relating to the subject matter of the default of the said Eads and his sureties other than the Report of the Commissioners hereinbefore provided for, such person or persons shall be deemed guilty of felony, and on conviction thereof, shall be punished by fine not less than one thousand dollars, and imprisonment not less than five years in the penitentiary." Lost.

On motion of Senator Hatch the Bill was read a third time. On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Cutts, Dixon, Foote, Flaugh, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Saunders, Stubbs, Shippen, Udell and Wharton—32.

The nays were Senators Burdick, Crookham, Gray, Hilsinger, Patterson, Ross and Roberts—7.

Senator Woolson was absent and not excused.

Bill passed and title agreed to.

Senator McCrary of Van Buren, called up House File No. 80 : A Bill for an act entitled an act providing for auditing the account of J. L. Mason of Bentonsport, Iowa, which was referred with accompanying affidavits to Committee on Claims.

Senate File No. 60 : A Bill for an act to amend an act passed by the Ninth General Assembly (1862), entitled an act to amend an act passed by the Board of Education Dec. 24th, 1859, entitled an act to provide a system of common Schools, and the amendments thereto, was taken up and on motion of Senator Hunt was retained upon the files and ordered printed.

Senator McJunkin called up from the table Senate File No. 31 : A Bill for an act to amend section 2220 of the Revision of 1860, in relation to unrecorded instruments, which was placed on file.

House File No. 52: A Bill for an Act supplemental to an Act entitled an Act for the benefit of Railroad Companies, Section 1339,

Revision of 1860, was taken up and referred to Committee on Railroads.

Senate File No. 109: A Bill for an Act to amend Section 1091, of the Revision of 1860, in relation to the Incorporation of Cities and Towns, was taken up, and the substitute offered by the Committee adopted.

On motion of Senator Hatch, the Bill was read a third time.

Senator Hatch moved to reconsider the vote by which the Bill was ordered to a third reading. Carried.

Senator Hatch moved that the Bill be engrossed, and ordered to a third reading. Carried.

Senator Parvin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills ask leave to report that they have examined Senate File No. 9: "A Bill for an Act to amend Chapter 53, of the Revision of 1860, entitled corporations other than those for pecuniary profit."

Senate File No. 12: "Senate substitute for joint resolution of Special Committee on Ship Canal for House Resolution."

House File No. 7: "An Act to amend Chapter 103, of the Acts of the Ninth General Assembly, entitled an Act to provide for the publication and distribution of the Adjutant General's Report."

Also "Joint Resolution for distributing Supreme Court Reports," and find the same correctly enrolled.

Also that on the 9th inst. they presented to His Excellency, the Governor, for his signature the following Bills: Senate File Nos. 39, 49 and 76.

J. A. PARVIN, Chairman.

On motion of Senator Henderson, Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

Senator Roberts moved to reconsider the vote by which Senate File No. 52: A Bill for an Act supplemental to an Act entitled an Act for the benefit of Railroad Companies, Section 1339, Revision of 1860, was recommitted to the Committee on Railroads, and that the same be allowed to retain its place on the file. Carried.

The Special Order Senate File No. 33: A Bill for an Act to fix and provide for the salary of the Adjutant General, and to provide a contingent fund for said officer, was taken up.

Senator Woolson moved to amend by inserting

"SECTION 2. The salaries of the Judges of the District Courts of this State hereafter elected or appointed shall be sixteen hundred dollars per annum."

SECTION 3. The salaries of the Judges of the Supreme Court hereafter elected or appointed shall be two thousand dollars per annum."

SECTION 4. The salaries of the Secretary of the State, the Auditor, the State Treasurer, the Register of the Land Office and the Secretary of the Board of Education, shall severally be fifteen hundred dollars."

The yeas and nays being called on the question "Shall the amendment be adopted?"

The yeas were, Senators Brayton, Cutts, Jennings, McCrary of Lee, Merrill, and Woolson—6.

The nays were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Dixon, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Van Buren, Moore, McMillen, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Wharton—35.

Absent and not excused—Senator Foote.

The amendment was lost.

On motion the Bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Cutler, Crookham, Cutts, Foote, Flaugh, Gray, Henderson, Hogin, Hillyer, Hatch, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Roberts, Saunders, Stubbs, Shippen, Udell and Wharton—25.

The nays were, Senators Brayton, Boardman, Brown, Bridges, Clarkson, Dixon, Hart, Hunt, Hilsinger, Knoll, McJunkin, Patterson, Parvin, Ross and Woolson—14.

The Bill passed and its title amended by striking out the words "and to provide a contingent fund for said office."

Senate File No. 79 : A Bill for an Act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting was taken up, and on motion of Senator Brayton was postponed, and made the special order for February 15, 11 o'clock A. M.

The resolution reported back by the Committee on Ways and Means "For State aid to volunteer enlistments" with the report of the Committee, that it is not expedient to pass the same at this time was taken up, and the report of the Committee adopted.

Substitute for House File Nos. 25 and 15: A Bill for an Act further providing for the election of certain officers and for the filling of vacancies was taken up, and on motion of Senator Burdick referred to the Committee on Judiciary.

House File No. 11: An Act to repeal Chapter 11, Acts of Extra Session 8th General Assembly entitled "An Act for the relief of volunteers who have been or may be mustered into service of the United States Government" taken up, and on motion of Senator McCrary, of Lee, was re-committed to the Committee on Military Affairs.

Senate File No. 69 : A Bill for an Act to amend Chapter 67 of

the Revision of 1860 was taken up, and on motion of Senator Burdick, allowed to remain on the files without action.

Senate File No. 122: A Bill for an Act to amend Section 3304 of the revision of 1860 in relation to exemption was taken up, and on motion was read a third time.

On the question "Shall the Bill pass?"

The yeas were Senators Bassett, Burdick, Brunson, Brayton, Brown, Clarkson, Crookham, Cutts, Dixon, Flaugh, Henderson, Hogan, Hillyer, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Ross, Roberts, Saunders, Shippen, Udell and Wharton—27.

The nays were Senators Boardman, Bridges, Foote, Gray, Hart, Hunt, Knoll, McJunkin, Merrill, Parvin, Stubbs and Woolson—12.

Absent and not excused—Senator Shippen.

Bill passed and title agreed to.

Senate File No. 104: A Bill for an Act authorizing foreign executors and administrators to sue in the Courts of this State, was taken up, and on motion of Senator Stubbs, was referred to a Special Committee, of which Senator McJunkin is Chairman.

The Chair added to the Committee Senators Stubbs and Hunt.

Senator Hogan, from the Committee on Engrossed Bills, submitted the following report: The Committee on Engrossed Bills have examined Senate File 109, entitled "A Bill for an Act to amend Chapter 51 of the Revision of 1860, in relation to the incorporation of cities and towns," and find it correctly engrossed.

On motion of Senator Hatch, Senate File No. 109: "A Bill for an Act to amend Chapter 51 of the Revision of 1860, in relation to the incorporation of cities and towns," was read a third time.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Hart, Henderson, Hogan, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—40.

The nays were, none.

Bill passed and title was agreed to.

On motion of Senator Hart, Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, February 12th, 1864.

Prayer by Rev. J. M. Chamberlain.
Journal read and approved.

PETITIONS AND MEMORIALS.

By Senator Knoll: A petition of the Immigration Society at Dubuque. Referred to Special Committee of five, of which Senator Knoll shall be Chairman.

By Senator Crookham: A petition from citizens of Keokuk and Mahaska counties, asking for the repeal of the "Prohibitory Liquor Law," and the passage of a license law. Referred to Special Committee on Liquor Law.

Senator Stubbs, from Committee on Charitable Institutions, submitted the following report: The Committee on Charitable Institutions, to whom was referred the concurrent resolution passed by the House, appointing a Committee of two on part of the House and one on part of the Senate, to visit the Blind Asylum at Vinton, have had the same under consideration, and have instructed me to report that, in the opinion of your Committee, such investigation is unnecessary, and recommend that the Senate do not concur.

D. P. STUBBS, Ch'm.

The report was adopted.

REPORTS OF COMMITTEES ON FILE.

Senate File No. 69: A Bill for an Act to amend Chapter 67 of the Revision of 1860, was taken up, and the amendments offered by the Committees on Agriculture and Judiciary adopted.

On motion of Senator Hilsinger, the bill was ordered to be engrossed and read a third time to-morrow.

The petition of certain citizens of Monroe county, asking for a change in the statute referring to the observance of the Sabbath, with the report of the Committee that no further legislation is necessary, was taken up, and the report adopted.

House File No. 52: A Bill for an Act supplemental to an Act entitled an Act for the benefit of Railroad Companies, was taken up.

On motion of Senator Udell, was amended by adding section 3, as follows:

Sec. 3. This Act being deemed of immediate importance by the General Assembly, shall take effect from and after its publication in the Iowa State Register and the Iowa Homestead, papers published in Des Moines, Iowa.

On motion of Senator Roberts, the Bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Wharton—36.

The nays were, Senators Burdick, Patterson and Woolson—3.
Bill passed and title agreed to.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills have examined House File No. 34 : A Bill for an Act to provide for issuing and serving certain legal processes on Sunday;

Senate File No. 8 : A Bill for an Act to repeal chapter 39 of the laws of the Extra Session of the Ninth General Assembly;

Senate File No. 117 : A Bill for an Act making appropriation for the payment of the mileage of the members of the Tenth General Assembly ; and find the same correctly enrolled.

Also, report that on the 11th inst. they presented to his Excellency, the Governor, for his signature, Senate File Nos. 9 and 12.

J. A. PARVIN, Chairman.

On motion of Senator Parvin the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

On motion of Senator Shippen, Senator Ross was added to the Committee on Railroads.

Senate File No. 101 : A Bill for an Act to provide for the redemption of War and Defense Fund warrants, and for appointing a Commissioner to settle claims against the United States and fixing his compensation, was taken up.

Senator Bassett moved to strike out all of the eighth line in section 2, the word "states" in the ninth line, and the word "all" in the eleventh line.

Senator Woolson moved, 1st, to strike out in section 2 the words "the Hon. Samuel J. Kirkwood" and insert "the Governor of this State;" 2d, to strike out of the eighth line after the word "shall," in said section, the words "authorize him to settle" and insert "he shall find unsettled." 3d, to strike out of the eleventh, twelfth and thirteenth lines of the same section, the words "to settle and arrange all such claims as shall be placed in his hands by the Governor, according to the instructions which may be given by the Governor." 4th, to strike out of the fourteenth line the words "with the approbation of the Governor."

Senator Woolson accepted in lieu of his amendment the following amendment offered by Senator Ross :

"Sec. 2. That his Excellency, Wm. M. Stone, is hereby authorized and it is made his duty, to proceed to the City of Washington, and settle with the authorities of the United States, and collect therefrom all claims made by this State for expenses incurred in raising and equipping troops, and sending them to the field, and for other purposes growing out of the rebellion ; and all claims of the State for expenses incurred in the protection of the frontier

after the massacre by Ink-pa-du-tah and his band ; also to settle and collect the amount claimed by this State, as a deficit in the payment to this State of the proceeds of the five per cent. on the sales of public lands in this State : and all other claims which it may be necessary to settle and collect against the United States." Also to strike out all of section 5.

Senator McCrary, of Lee, moved that the Bill, with the amendments offered, be recommitted to the Committee of Ways and Means. Carried.

Senator Henderson presented a communication from Hon. L. B. Crocker, President of the C. R. & M. R. R. R., which was referred to Committee on Railroads.

S. F. No. 100: A Bill for an Act to amend section one (1), chapter 154 of the Acts of the Ninth General Assembly, was taken up and, on motion of Senator Patterson, was recommitted to the Judiciary Committee.

S. F. No. 98: A Bill for an Act relative to the Keokuk, Ft. Des Moines and Minnesota Railroad Co., was taken up ; and on motion of Senator McCrary of Lee, recommitted to the Committee on Railroads.

S. F. No. 118: A Bill for an Act authorizing public officers to charge additional fees in certain cases, was taken up ; and on motion of Senator Hilsinger, was recommitted to Committee on Judiciary.

S. F. No. 63: A Bill for an Act supplemental to an Act of the Ninth General Assembly, entitled an Act for the protection of the School Fund, was taken up ; and on motion of Senator Knoll, recommitted to the Committee on Schools.

S. F. No. 31: A Bill for an Act to amend Section 2220 of the Revision of 1860 in relation to unrecorded instruments, was taken up ; and the substitute offered by the Committee adopted.

Senator Hilsinger moved that the Bill be indefinitely postponed.

Senator Ross moved that the Bill be postponed till the 4th day of July next. Carried.

Received the following message from the House :

MR. PRESIDENT:—I am instructed to inform your honorable body that the House has ordered the printing of 10,000 copies of the Report of the Secretary of the State Agricultural College and Farm.

Also, that the House has passed Senate File No. 33: A Bill for an Act to fix and provide for the salary of the Adjutant General.

Also, substitute for House File No. 91: A Bill for an Act authorizing and requiring the several County Treasurers in this State to invest certain moneys of the State in United States Revenue stamps.

In which, the concurrence of the Senate is respectfully asked.
JACOB RICH, Chief Clerk.

Senator Brown moved that the Senate adjourn. Lost.

Senator Roberts moved that when the Senate does adjourn it adjourn till Monday. Lost.

On motion of Senator McJunkin, Senator Stubbs was added to the Committee on Incorporations.

Senator McCrary of Lee, from Special Committee on Sanitary Affairs submitted the following report:

MR. PRESIDENT:—Your Special Committee on Sanitary Affairs to whom was referred the memorial of the Board of Control of the Iowa Sanitary Commission, asking the enactment of a law for the relief of the families of Iowa Soldiers, have had the same under consideration and have instructed me to report the accompanying Bill and recommend its passage.

GEO. W. McCRARY, of said Committee.

Senate File No. 132: A Bill for an Act to provide for the relief of families of Iowa Soldiers and further compensation thereby to said soldiers for their services. Bill read first and second times, placed on file and ordered printed.

Senator Hillyer from the Committee on Roads was granted leave to submit the following report:

MR. PRESIDENT:—The Committee on Roads to whom was referred House File No. 47: A Bill for an Act granting the right of way to open and drain coal mines, have had the same under consideration and they instructed me to report the same back to the Senate, and recommend the adoption of the amendment proposed by the Senator from Lee and ask that the bill be printed.

HILLYER.

Senator Woolson moved that the bill be placed on file and ordered printed. Carried.

Senator Dixon moved that the Senate adjourn. Lost.

REPORTS OF COMMITTEES.

MR. PRESIDENT:—The Committee on the Judiciary to whom was referred Senate File No. 18: Bill for an Act to increase the number of the Judges of the Supreme Court and for other purposes, have had the same under consideration, and a majority have instructed me to report the same back and recommend that the Senate concur in the amendment of the House.

Your committee have had under consideration Senate File No. 96: A Bill for an Act supplemental and amendatory to Chap. 58 of the Revision of 1860, and have instructed me to report the same back and recommend its passage.

Your Committee have also had under consideration the memorial of Theodore Hawley, Esq., asking certain changes in the law regulating acknowledgements, and have instructed me to report the same back and recommend that the prayer of the memorialist be not granted.

Your Committee have also had under consideration Senate File No. 115: A Bill for an Act to repeal Section 5099 of the Revision of 1860, and have instructed me to report the same back and recommend that it be indefinitely postponed.

Your Committee have also had under consideration Senate File No. 51: A Bill for an Act to amend Chapter 18 of the Revision of 1860, in relation to homesteads, and have instructed me to report a substitute therefor and recommend the passage of the substitute. Senator Jennings dissenting.

Your Committee have also had under consideration substitute for Senate File No. 83: Joint Resolution requiring the Auditor of State to remit certain taxes, and have instructed me to report the same back, and recommend that the same be laid upon the table, inasmuch as in the opinion of your Committee the same is not Constitutional.

Your Committee have also had under consideration Senate File No. 20: A Bill for an act to amend sec. 432 of the Revision of 1860, have had the same under consideration and have instructed me to report the same back and recommend its passage.

Your Committee have also had under consideration House File No. 42: A Bill for an act to amend sections 4779 and 4780 of the Revision of 1860, relating to peremptory challenges in criminal cases, and have instructed me to report the same back and recommend its indefinite postponement, inasmuch as the Senate has already passed a Bill upon the subject.

GEO. W. McCRARY, Chairman.

The Committee on the Judiciary to whom was referred Senate File No. 112: An act defining fraud, &c., have had the same under consideration and have directed me to report the same to Senate and recommend the indefinite postponement of the Bill.

LEWIS W. ROSS, of Jud. Com.

Senator Foote from committee on Ways and Means, submitted the following report:

MR. PRESIDENT:—The committee to whom was recommitted substitute for substitute for House File Nos. 48 and 49: A Bill for an act authorizing and requiring the sale or exchange of specie now in the State Treasury for Legal Tender Notes of the United States with amendments, have considered the same and have instructed me to report the accompanying substitute and recommend its passage.

The Committee on Ways and Means, to whom was referred Senate File No. 123: A Bill for an act authorizing the transmission of funds to pay interest on State Bonds, have considered the same and have instructed me to report the same back without amendment and recommend its passage.

JOHN G. FOOTE, Chairman.

Senator Clarkson, from the Committee on Agriculture, submitted the following report:

The Committee on Agriculture, to whom was referred the

House Resolution relative to the distribution of the Reports of the State Agricultural Society, have had the same under consideration, and directed me to report it back, with a recommendation that the Resolution pass.

C. F. CLARKSON, Chairman.

Senator Ross, from Committee on Charitable Institutions, submitted the following report:

The Committee on Charitable Institutions, to whom was referred Senate File No. 93: A Bill for "an Act to exempt the property of the American Bible Society within this State from taxation," have had the same under consideration, and have directed me to report the accompanying substitute, and recommend its passage.

L. W. ROSS, of the Committee.

Senator Brayton, from the Committee on Elections, submitted the following report:

MR. PRESIDENT:—The Committee to whom was referred House File No. 35: "A Bill for an Act providing for canvassing the votes for Senators and Representatives in the General Assembly, elected by districts composed of more than one county," have had the same under consideration, and instructed me to report the same back to the Senate, and recommend its passage.

J. M. BRAYTON, Chairman.

Senator Woolson, from Committee on Banks, submitted the following report:

The Committee on Banks have had under consideration House substitute for Senate File No. 5, entitled "an Act to provide for payment of taxes and interest in Treasury Notes, &c.," and have instructed me to report such substitute back, and recommend its passage, without amendment.

T. W. WOOLSON.

Senator Patterson, from Committee on Township and County Organization, submitted the following report:

Your Committee on Township and County Organizations to whom was referred Senate File No. 75: "A Bill for an Act to repeal Chapter 119 of the laws of the 9th General Assembly, and to provide for the giving of bonds by County Judges," have given the same a careful consideration, and the majority of said Committee instruct me to report the same back, and recommend its indefinite postponement.

Your Committee to whom was referred Senate File No. 124: "A Bill for an Act to amend Subdivision 5, of Section 663, of the Revision of 1860," have given the same their careful consideration, and unanimously direct me to report the same back, with a recommendation that it pass.

J. G. PATTERSON, Chairman.

Senator Woolson from same Committee, submitted the following reports:

The Committee upon Township and County organization have

had under consideration Senate File No. 4 and No. 91, upon the subject of Township collections, and a majority of such Committee have instructed me to report back Senate File No. 4, with sundry amendments, and as thus amended to recommend its passage, viz:

1. After the word "that," in the second line of Section No. 1, insert "whenever the population of any county shall exceed eight thousand."
2. After the word "Township," in the first line of said Section, insert "in such County."
3. Strike out of the fifth line of said Section the words "and provided such city or town lies wholly in one county."
4. Strike out all of Section 2, after the word "Bonds," in the eleventh line.
5. After the word "County in the first line of the 8d Section, insert "containing the population aforesaid."
6. Strike out of the third line of Section 6, the words, "in Section 20 of this Act in case of sales," and insert "by law."
7. Insert in Section 8, at the end of the second line, after the word "modified," the words "it shall not be necessary to have the property appraised."
8. Strike out all of Section 20, after the word "delinquent," in the fourth and fifth lines of said Section.
9. Insert after the word "Act," in the first line of Section 22, the words "And all provisions of law relating to the assessment and collection of taxes."
10. Strike out of Section 24, in the fifth line of said Section, after the word "chapter," the words "162 of the Fifth Session of the," and insert "173 of the Acts of the Regular Session of the Ninth."
11. Insert in the first line of Section 27, after the word "Supervisors," the words "in a county having the population aforesaid."
12. Strike out Sections 28 and 29.
13. Insert as a new section, the following:

Sec. 28. In case the assistant collector shall know, at any time after the assessors have assessed the property in such townships, that any person who has been assessed for personal property in such township is about to remove from the county, he shall proceed forthwith to demand from such person his tax at the rate per cent. of the preceding year, for the amount of his assessment, ascertaining the amount of such assessment in the best manner he can without going to the assessment roll; and if the person so assessed refuses or neglects to forthwith pay the same, such collector shall forthwith levy the same by distress and sale of any of the goods and chattels of such delinquent for the amount of such per cent. with ten per cent. additional; and he shall safely keep the same to answer in the payment of any tax on the tax books against said delinquent on such personal property, and shall pay the balance, if

any, retaining ten per cent. for his fees to the person owning the property sold.

T. W. WOOLSON.

By Senator Bridges:

MR. PRESIDENT:—The undersigned members of the Committee on Township and County Organizations, to whom were referred Senate File No. 4: A Bill entitled an Act, &c., have had the same under consideration, and would respectfully beg leave to differ with the opinion of the majority of said Committee. We are of the opinion that no further legislation is needed on said subject, and do therefore recommend that the Bill be indefinitely postponed.

C. G. BRIDGES.

D. P. STUBBS.

The Committee on Internal Improvement to whom was referred House File No. 60: A Bill for an Act to extend the provisions of Article 4 of Chapter 54 of the Revision of 1860, so as to apply to the construction of Mill Races, have had the same under consideration and recommend its passage.

McCRARY, of Van Buren.

By Senator Bassett: The Special Committee to whom was referred a Memorial and Joint Resolutions recommending certain changes in the Act of Congress approved July 1st, 1862, known as the Pacific Railroad Law, having had the same under consideration, report the following substitute and recommend its adoption.

G. W. BASSETT, Chairman.

Senator Patterson introduced Senate File No. 133: A Bill for an Act providing for the payment of David W. Poindexter for services as Adjutant of the 38th Infantry Volunteers. Read first and second times and referred with accompanying documents to Committee on Claims.

Senator Parvin from Committee on Enrolled Bills submitted the following report: The Committee on Enrolled Bills report that, on the 12th instant they presented to his Excellency the Governor for his approval, Senate Files No. 78 and 117.

J. A. PARVIN, Chairman.

Senator Bridges introduced Senate File No. 134: A Bill for an Act entitled an Act amendatory to Section 494 of Chapter 82, Revision of 1860, in relation to voting. Read first and second times and referred to Committee on Elections.

On motion of Senator Hatch the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, February 13, 1864.

Senate convened at 10 o'clock, A. M.
Prayer by Rev. J. M. Chamberlain.

Journal of yesterday was read and approved.

Leave of absence was granted to Senators McCrary of Van Buren and Hart.

The chair announced as the special Committee on Immigration, Senators Knoll, Foote, Brayton, Hunt and Saunders.

PETITIONS AND MEMORIALS.

By Senator Knoll : A petition by the City Council of Dubuque asking for the repeal of the Prohibitory Liquor Law and the passage of a License Law. Referred to the special Committee on Liquor Law.

By Senator King : A petition asking for the passage of an act restraining all stock from running at large. Referred to the Committee on Agriculture.

By Senator Wharton : A petition of citizens of Cedar county asking for legislation making it obligatory upon Railroads receiving grain for transportation, to deliver it at such warehouses in Chicago as the shippers may direct.

Senator Wharton moved that the petition be referred to a Special Committee of three, of which Senator Cutts should be Chairman. Carried.

The Chair added to the Committee, Senators Gue and Saunders.

INTRODUCTION OF BILLS.

By Senator Dixon, Senate File No. 134: A Bill for an Act making a further appropriation for the Hospital for the Insane. Read a first and second time, and referred to the Committee on Ways and Means.

By Senator Parvin, Senate File No. 135: A Bill for an Act to amend Sec. 493, Chapter 32, of the Revision of 1860, and to prevent illegal voting. Read a first and second time, and referred to the Committee on Elections.

By Senator Woolson, Senate File No. 136: A Bill for an Act amending Sec. 1340 of the Revision of 1860, in relation to mortgages made by Railroad Corporations. Read a first and second time, and placed on file.

By Senator Woolson: The following Resolution—read a first and second time, and referred to the Committee on Constitutional Amendments :

Resolved by the General Assembly of the State of Iowa, That the following amendments be proposed to the Constitution of the State, viz:

1st. Amend Section 25, of Article 3, entitled "Of the distribution of powers," so as to read as follows:

"SECTION 25. Each member of the General Assembly shall receive for his services at each regular session the sum of three hun-

dred dollars, and the further sum of three dollars for every twenty miles necessary to be traveled in going to and returning from the place where the session is held, computing that distance by the most direct traveled route; and when convened in extra session they shall receive the same mileage as fixed by the constitution for the regular session, and three dollars per day while in session."

2d. Amend Section 3, of Article 4, entitled "Executive Department," so as to read as follows:

"SECTION 3. There shall be elected a Lieutenant-Governor, who shall hold his office two years, and be elected at the same time as the Governor. In voting for Governor and Lieutenant-Governor the electors shall designate for whom they vote as Governor, and for whom as Lieutenant-Governor. The returns of every such election shall be made and the canvass declared in such manner as may be provided by law."

3d. Amend Section 5, of Article 8, entitled "Corporations," so as to read as follows:

"SECTION 5. No act of the General Assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto shall take effect, or in any manner be in force until the same shall have been submitted separately to the people at a general or special election as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such elections; *provided*, that no such corporations or associations shall ever be suffered to demand or receive any greater interest for the use of money than the rate allowed by law to individuals at the time of the contract—anything in the Charter of such corporation or association notwithstanding."

By Senator Woolson:—A Joint resolution instructing the Auditor of State to collect money on notes and bonds turned over by James D. Eads, late Superintendent of Public Instruction. Read and referred to Committee on Ways and Means.

By Senator Foote, Senate File No. 137: A bill for an act making appropriations for the payment of State and Judicial Officers, interest on State bonds and loans, and for other purposes. Read first and second time, placed on file, and ordered printed.

Senator Roberts moved that Senator Gne be added to the Committee on railroads. Carried.

REPORTS OF COMMITTEES.

By Senator Burdick, from Judiciary Committee:

MR. PRESIDENT:—The Judiciary Committee to whom was referred Senate File No. 114: "An act to legalize the acts of A. H. Patterson, a Notary Public of Washington county, with instructions to report a bill punishing Notaries Public for exercising the power and duties of the office after the expiration of their commissions"

have instructed me to report the same back to the Senate with the accompanying bill, punishing Notaries as per instructions, and recommend the passage of the bill.

M. V. BURDICK.

Senate File No. 138 : A bill for an act to amend chapter 16 of the Revision of 1860, in relation to Notaries Public. Read a first and second time and placed on file.

By Senator Ross :

The Judiciary Committee to whom was referred Senate File No. 129 : A bill for an act to amend section 4207 of the Revision of 1860, have had the same under consideration, and have directed me to report the same to the Senate, without amendment, and recommend its passage.

Senate File No. 128 : A bill for act to repeal a portion of section 4347 of the Revision of 1860, we have also had under consideration, and I am instructed to report the same to the Senate without amendment or recommendation.

L. W. ROSS, of Judiciary Committee.

By Senator Clarkson :

The Committee on Agriculture to whom was referred the petition of John Humbong, of Marshall County, praying for Legislative encouragement to the cultivation of timber, and for a law restraining all domestic animals from running at large, have examined the same, and while they are constrained to acknowledge the force and truth of the arguments adduced by the petitioner, yet they believe the people of the State do not demand, or will sustain such laws, we are reluctantly compelled to recommend that the subject be indefinitely postponed.

Upon the petition of Geo. C. Glass and others, praying for a dog tax and for the preservation of sheep, I am directed to report that they deem it inexpedient to grant the prayer of the petitioners.

C. F. CLARKSON, Chairman.

By Senator Burdick :

MR. PRESIDENT : The Committee on Public Lands to whom was referred Senate File No. 131 : A Bill for an act to provide for the sale of Swamp Lands in the several counties of this State, have had the same under consideration, and have instructed me to report a substitute and recommend its passage.

M. V. BURDICK, Chairman.

By Senator Gray :

The Committee on Engrossed Bills have examined Senate File No. 69 : A Bill for an Act to amend Chapter 67 of the Revision of 1860. They have also examined Senate File No. 77 : A Bill for an Act to prohibit certain male stock from running at large, and find the same correctly engrossed.

G. W. GRAY, Chairman.

BILLS ON THEIR THIRD READING.

Senate File No. 64: A Bill for an Act to amend Chapter 175, Acts of the Ninth General Assembly at its regular session, was taken up and recommitted to Committee on Engrossed Bills.

Senate File No. 48: A Bill for an Act to provide for reporting the decisions of the Supreme Court of this State, was taken up.

On the question, "Shall the Senate concur in the amendments of the House?"

The yeas were, Senators Burdick, Brunson, Brayton, Brown, Crookham, Cutts, Dixon, Foote, Hogin, Hillyer, Hatch, Knoll, McCranky of Lee, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Shippen, Udell, Wharton, Woolson and Young—26.

The nays were, Senators Bassett, Boardman, Clarkson, Clark, Flaugh, Gray, Gue, Hunt, Hilsinger, King and Parvin—11.

Absent and not excused, Senator Bridges.

The Senate concurred.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following bills:

Substitute for Senate File No. 32: A bill for an act supplemental to an act to repeal chapter 7 of the laws of the State of Iowa, passed at the extra session of the Eighth General Assembly, entitled an act for the relief of volunteer soldiers from this State, approved April 7th, 1862, without amendment.

House File No. 67: A Bill for an act to amend an act, entitled an act to provide for the appraisement of property sold under execution.

Substitute for House File No. 33: A Bill for an act to prevent fraud by Weighmasters of Public Scales.

House File No. 71: A Bill for an act to amend section 4145 and section 4147 of the Revision of 1860.

In all of which the concurrence of the Senate is respectfully asked.

Also, that the House has concurred in the Senate amendment to House File No. 52: A Bill for an Act supplemental to an Act entitled "An Act for the benefit of Railroad Companies," approved March 20th, 1858, Revision of 1860, Sec. 1339—adding the publication clause.

JACOB RICH, Chief Clerk, H. R.

Senate File No. 52: A Bill for an Act appropriating money for the State Library, returned from the House, with amendments, was taken up.

Senator McCrary of Lee, moved that the Senate do not concur. Carried.

Senate File No. 69: A Bill for an Act to amend Chapter 67 of the Revision of 1860, was taken up.

Senator Stubbs moved to reconsider the vote by which the Bill was ordered to a third reading. Lost.

The Bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, Moore, McMillan, Parvin, Saunders and Wharton—27.

The nays were, Senators Bassett, Burdick, Cutler, Flauth, Merrill, Patterson, Ross, Roberts, Stubbs, Shippen, Udell, Woolson and Young—13.

Bill passed and title was agreed to.

On motion of Senator Udell the Senate adjourned till Monday.

SENATE CHAMBER,
Des Moines, February 15th, 1864.

The Senate convened at 10 o'clock A. M.

Prayer was offered by Rev. Mr. Nash.

Journal of Saturday was read and approved.

Senator Crookham was granted leave of absence for one week.

PETITIONS AND MEMORIALS.

By Mr. Knoll: A petition from citizens of Dubuque County asking the passage of an efficient and judicious Registration Law. Referred to Committee on Elections.

By Senator Udell: A petition from citizens of Appanoose Co., asking for the increase of the duties and compensation of County Superintendents of Common Schools.

By Mr. Young: A petition upon the same subject from citizens of Linn County.

By Senator McJunkin: A petition of citizens of Washington County upon the same subject. All referred to the Committee on Schools.

By Senator Young: A petition from the Deaf Mutes in the Iowa Institution for the ducation of the Deaf and Dumb, asking an appropriation for the erection of an Asylum.. Referred to Committee on Ways and Means.

By Senator Brunson: Two petitions from citizens of Fayette Co., one asking for the passage of a law to prevent sheep and swine from running at large, and one asking for the passage of a law to

remove the obstructions from streams, so as to allow the passage of fish up the same. Referred to Committee on Agriculture.

By Senator Brown: A remonstrance from citizens of Clarke Co., against the repeal or change of the present "Prohibitory Liquor Law." Referred to the Committee on that subject.

By Senator Hart: Two petitions from citizens of Buchanan County asking for the repeal of the present Prohibitory Liquor Law and the passage of a License Law. Referred to Committee on Liquor Law.

RESOLUTIONS.

By Senator Udell: The following resolution which was adopted:

Resolved by the Senate the House concurring: That the General Assembly will adjourn *sine die* on the 15th day of March at 8 o'clock, A. M.

By Senator Merrill: The following resolution which was adopted:

WHEREAS, The State of Iowa did furnish the First, Second and Third Iowa Infantry Regiments of Volunteers with a complete suit of uniform, commonly known as the Kirkwood Gray, and

WHEREAS, It was represented to said regiments that this suit was a free gift of the State, and

WHEREAS, The Second and Third Regiments aforesaid were compelled by the General Government to pay for the same. Therefore be it

Resolved, That the Committee on Military Affairs be instructed to inquire into the matter, and if in their judgment the State is not in honor bound to refund to the said regiments the amount paid for the above clothing received by them as a free gift of the State; then to inquire what steps (if any,) are necessary to obtain the same from the General Government.

By Senator Brown, a Joint Resolution instructing our Senators in Congress and requesting our Representatives to procure the passage of a law granting bounties to our soldiers.

Senator Bridges moved it be referred to Committee on Military Affairs. Lost.

Resolution was adopted.

Senator Cutler was granted leave to introduce Senate File No. 140: A Bill for an Act to amend Section 3719 of the Revision of 1860.

Read a first and second time, and referred to Committee on Judiciary.

Senator McCrary of Lee, was granted leave to introduce Senate File No. 141: A Bill for an Act to amend Chapter 45 of the Revision of 1860, in relation to Revenue.

Read a first and second time, and referred to Committee on Ways and Means.

Senator Bassett moved that two Senators be added to the Spe-

cial Committee on the rights of settlers on the Des Moines Valley Lands, of which he is Chairman. Carried.

The President added Senators Shippen and Gray to the Committee.

REPORTS OF COMMITTEES.

By Senator Bassett:

The Committee on Military Affairs, to whom was referred House File No. 11, having had the same under consideration, have instructed me to report the accompanying substitute and recommend its passage.

G. W. BASSETT, of Committee.

By Senator Parvin:

The Committee on Enrolled Bills report that they have examined Senate File No. 33: "A Bill for an Act to fix and provide for the salary of the Adjutant General."

House File No. 26: "An Act to amend Chapter 173 of the Revision of 1860, concerning offenses against public health," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

BILLS ON THIRD READING.

Senate File No. 77: A Bill for an Act to restrain certain male stock from running at large, was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Clarkson, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen and Wharton—31.

The nays were, Senators Burdick, Brown, Cutler, Gray, Moore, Parvin, Udell, Woolson and Young—9.

Bill passed and title agreed to.

The House Joint Resolution recommending the placing in nomination for President of the United States, Abraham Lincoln, our present Chief Magistrate, was taken up, and referred to Committee on Federal Relations.

The President announced that the hour had arrived for the consideration of special order, Senate File No. 79: A Bill for an Act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting.

Bill was referred to Committee on Elections.

Senator Dixon moved that the Secretary be instructed to request the H. R. to return to the Senate Senate File No. 52: A Bill for an Act making appropriation for the State Library. Lost.

Substitute for House File No. 91: A Bill for an Act authorizing

and requiring the several County Treasurers in this State to invest certain moneys of the State in United States Revenue Stamps, and regulating the sale thereof, was taken up, and read a first and second time, and referred to Committee on Ways and Means.

House File No. 61: A Bill for an Act for procuring statistical information in regard to the destruction of sheep, was taken up.—Read a first and second time, and referred to Committee on Agriculture.

House substitute for House File Nos. 54 and 23: A Bill for an Act to legalize the Acts of Counties and Municipal Incorporations in levying taxes and making appropriations for the benefit of volunteers or their families, was taken up, and read a first and second time, and referred to Committee on Ways and Means.

House File No. 74: A Bill for an Act to amend Chapter 57 of the Revision of 1860, was taken up. Read a first and second time, and referred to Judiciary Committee.

House File No. 71: A Bill for an Act to amend Section 4145 and Section 4147 of the Revision of 1860, was taken up, and referred to Judiciary Committee.

House File No. 33: A Bill for an Act to prevent fraud by weigh-masters of public scales, was taken up, and referred to Committee on Agriculture.

House File No. 67: A Bill for an Act to amend an Act entitled an Act to provide for the appraisement of property sold under execution, was taken up, and read a first and second time, and on motion referred to a special Committee, of which Senator Stubbs shall be Chairman.

The Chair added to the Committee Senators Burdick and Roberts.

REPORTS OF COMMITTEES ON FILE.

Senate File No. 89: A Bill for an Act to prohibit the circulation of foreign bank notes in this State, was taken up.

Senator Stubbs moved to amend Section 2 by excepting the State Bank of Ohio and Bank of the State of Indiana.

Senator Boardman moved to amend the amendment by adding to the exception "Banks of the State of Vermont and Massachusetts." Lost.

On motion of Senator Young, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

Senator Stubbs' amendment to Section 2 of Senate File No. 89: An Act to prohibit the circulation of foreign bank notes in this State, adding as exceptions "the State Bank of Ohio and Bank of the State of Indiana," was taken up, and on the question, "Shall

the amendment be adopted," Senator Roberts demanded the yeas and nays.

The yeas were Senators Bassett, Burdick, Cutler, Gray, Henderson, Hillyer, Ross and Stubbs—8.

The nays were Senators Brunson, Brayton, Brown, Bridges, Clarkson, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hatch, Hillsinger, Knoll, King, McJunkin, McCrary of Lee, Moore, McMillan, Merrill, Patterson, Parvin, Roberts, Saunders, Shippen, Wharton, Woolson and Young—30.

Absent and not excused—Senator Udell.

The amendment was lost.

The substitute was adopted, and on the question "Shall the Bill pass?"

The yeas were, Senators Brunson, Brown, Bridges, Clarkson, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hatch, Hillsinger, King, McJunkin, Moore, McMillan, Merrill, Parvin, Roberts, Saunders, Stubbs, Shippen Wharton, Woolson and Young—27.

The nays were, Senators Bassett, Burdick, Brayton, Boardman, Cutler, Gray, Hillyer, Hunt, Knoll, McCrary of Lee, Patterson, Ross and Udell—13.

The Bill passed and title agreed to.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House insists upon its amendment to Senate File No. 52: "A Bill for an Act appropriating money for the State Library," and have appointed Messrs. Stiles, Moir and Mills a Committee of Conference, and asks for a similar Committee on the part of the Senate.

JACOB RICH, Chief Clerk H. R.

Senator Gray submitted the following report:

The Committee on Engrossed Bills have examined Senate File No. 64: "A Bill for an Act to amend Chapter 175, Acts of the 9th General Assembly, at its regular session," and find the same correctly engrossed.

G. W. GRAY, Chairman.

Senate File No. 20: Bill for an Act to amend Section 432, of the Revision of 1860, was taken up.

Senator Woolson moved to strike out of the 1st Section the words "in the County of Lee," and insert "in each County of this State having two County Seats." Adopted.

On motion the Bill was ordered to a third reading.

Senator McCrary of Lee, moved that the vote ordering the Bill to a third reading be reconsidered. Carried.

The Bill was ordered to be engrossed for a third reading, to-morrow.

Senator Henderson moved that when the Senate adjourns it adjourn until day after to-morrow. Lost.

Senator Stubbs (on leave,) introduced the following resolution :
Resolved, That until further ordered the Senate will hold but one session per day, commencing at 9 o'clock, A. M. Adopted.

Senator Young, from the Committee to visit the State University and Deaf and Dumb Asylum, on leave, submitted the following report :

The Joint Committee appointed to visit the State University and the Deaf and Dumb Asylum, at Iowa City, having performed that duty, respectfully submit the following report :

The State University is in a very prosperous condition, numbering four hundred and four students during the current collegiate year, and bearing every evidence of ability and fidelity upon the part of those having its management and control. Forty-three counties are represented in this Institution by the attendance of students from said counties, respectively, as follows :

COUNTIES.	NO. OF STUDENTS.
Benton,	8
Blackhawk,.....	2
Butler,.....	1
Cass,	1
Cedar,.....	23
Clinton,.....	4
Dallas,.....	5
Des Moines,.....	6
Dubuque,	2
Fayette,	1
Franklin,	2
Fremont,.....	1
Green,.....	2
Guthrie,	2
Hardin,.....	7
Harrison,	1
Henry,	3
Iowa,.....	2
Jackson,	2
Jones,	7
Johnson,.....	164
Jasper,	1
Keokuk,	4
Lee,	4
Linn,	7
Louisa,	11
Madison,.....	1
Mahaska,	6
Marion,	2
Mills,.....	3
Mitchell,.....	2

COUNTIES.	NO. OF STUDENTS.
Polk,	1
Pottawattamie,.....	3
Poweshiek,.....	5
Sac,	1
Scott,.....	3
Story,	4
Tama,	3
Muscatine,	54
Van Buren,	9
Washington,	10
Winneshiek,.....	3
Woodbury,.....	1
 Total number residents of Iowa,.....	384
Number of students from other States,.....	20
 Making an aggregate of.....	404

The foregoing list embraces all the students in the several departments of the University, exclusive of the model School. The average age of the students is eighteen years.

The following statistics may be interesting as showing the progress made by this Institution during the three years last past, and the relative proportion of students from Johnson county:

Year.	No. of Students.	No. from Johnson County.	No. from other Countries and States.	No. of Counties represented.
1860-61	172	100	72	32
1861-62	254	141	113	25
1862-63	288	157	131	34
1863-64	404	164	240	43

It appears from the above statistical statement that the number of students in the State University, has been steadily and rapidly increasing, while the relative proportion of students residing in Johnson county has been constantly diminishing, and that this Institution has already become a favorite with the people of the State. Many families have taken up a *temporary* residence in Iowa City for the purpose of educating their children in the University.

Of the students now in attendance, one hundred and one have received tuition free, and in regard to their places of residence, represent forty-two counties.

The recitations and exercises of the several classes in the different departments, at which your Committee had the pleasure to be present, were highly creditable to the students as well as to their instructors, and evinced on the part of the Faculty and other teachers connected with the Institution, a degree of ability, tact, energy and industry, worthy of special commendation.

The remarkable prosperity of the institution deserves the high-

est consideration, and, in the opinion of your Committee, the present General Assembly should take such action in relation to the University that its efficiency may not be impaired nor its prosperity retarded.

The room used as a chapel is inadequate to accommodate the students already in attendance, not to speak of the probable increase of the number of students and of the necessity for a chapel sufficiently large and commodious for lecture purposes and commencement exercises.

The University buildings are also deficient in not containing rooms suitable for a chemical laboratory.

In the Report of the Board of Trustees of the State University, the wants above referred to are fully set forth, and a plan proposed by them is herewith presented for an additional building to contain a spacious chapel and a laboratory with a tower and observatory, the estimated cost of which is twenty-five thousand dollars.

In the opinion of your Committee, the University, with an additional building, similar to the one proposed by the Board of Trustees, would afford better facilities for the education of one thousand students than are now afforded for the education of four hundred.

Hoping that the embarrassments which now surround our National and State Governments, will not deter members of the General Assembly from taking high ground in regard to the educational interests of the State, nor cause them to overlook the fact that the claims of education are of paramount importance to almost all other claims, nor make them unmindful of the great political truth, that enlightened virtue is the only sure foundation of a free government, your Committee commend the State university to your favorable consideration, in the full belief that you will pursue a liberal policy in respect thereto, and that you will take such action as will be promotive of the best interests of the University, as well as of the State at large.

THE DEAF AND DUMB ASYLUM.

The Iowa Institution for the education of the Deaf and Dumb is in as good condition as could reasonably be expected under the circumstances. It has not been provided with any suitable buildings, pleasure grounds, furniture and many other conveniences, which are so essential to the proper management of such an institution, and to the personal comfort of its inmates. For a full and detailed statement of its financial condition, statistics, &c., your Committee beg leave to refer to the Ffth Biennial Report of the Board of Trustees.

The pupils now in attendance number fifty-eight, and are from almost as many different counties. They are quite intelligent, and seem to be making rapid progress in the acquisition of knowledge.

Much effort has been made by those having the control and management of this institution to render it efficient—to administer to the physical comfort and promote the mental culture of the unfortunates committed to their care.

An earnest desire was manifested on the part of the deaf mutes and their preceptors, that buildings suitable for their use should be erected, in some place, with pleasure grounds attached for their recreation. The building now occupied by them is not adapted to the purpose for which it is used, and is very much out of repair.—The furniture and bedding are, for the most part, such as we might expect to find in an ordinary alms house. Humanity, as well as the fair fame of the State, demands an immediate appropriation sufficient at least to purchase good furniture and bedding for the use of this institution.

Your Committee would further recommend an increased appropriation to defray the current expenses, in view of the present high price of every article of food. The amount heretofore appropriated to meet the ordinary expenditures will be quite inadequate for that purpose during the ensuing two years.

If compatible with the public interest in other respects, an appropriation should be made by the present General Assembly for the purpose of erecting and constructing a suitable Asylum for the deaf and dumb children and youth of the State. As now situated the students have no opportunity to learn trades and thereby render themselves useful. There are no work shops for them, and no funds to purchase stock or material for manufacture, and defray expenses of such shops. We deem it essential that every pupil should not only be educated, but should have an opportunity to learn some useful branch of handicraft whereby he may gain a livelihood.

Humanity calls loudly for the relief of this unfortunate class of our population: the dignity and honor of the State demand it; and the great heart of the people will respond amen! to every proper effort put forth to ameliorate their unhappy condition.

All of which is respectfully submitted.

A. B. F. HILDRETH,
R. SEARS,
J. B. YOUNG, } Committee.

On motion of Senator McCrary of Lee, the message of the House was taken up.

Senator McCrary of Lee, moved that a Committee of three be appointed to confer with the House Committee on Senate File No. 52. Carried.

The President appointed Senators McCrary of Lee, Hatch and Gue on the Committee.

On motion of Senator Henderson the Senate adjourned.

SENATE CHAMBER, }
Des Moines, Iowa, February 16th, 1864. }

Senate convened at 9 o'clock A. M.
Prayer was offered by Senator Brunson.
Journal read, corrected and approved.

PETITIONS AND MEMORIALS.

By Senator Stubbs: A memorial in reference to the levying of a tax for the support of needy families of soldiers in this State. Referred to Joint Committee on relief of soldiers' families.

REPORTS OF COMMITTEES NOT PREVIOUSLY ACTED UPON.

Senate File No. 83: A Bill for an Act to authorize the release of the homestead of certain widows from delinquent taxes, was taken up, and on motion of Senator McCrary of Lee, laid upon the table.

On leave, Senator McCrary of Lee, submitted the following report:

Your Committee on Judiciary, to whom was referred Senate File No. 126, would report that they have had the same under consideration, and have instructed me to report a substitute for the Bill and recommend its passage.

G. W. McCRARY, Chairman.

By general consent the substitute offered by the Committee for Senate File No. 126: A Bill for an Act to require persons holding over in office pending a contest to give bonds, and for other purposes, was taken up.

Senator Henderson offered the following amendment to the substitute:

"Sec. 3. If upon appeal the judgment of the contesting Court be affirmed, the District Court may render judgment upon the bond for the amount of the damages against the contestant and his sureties on the bond.

"Sec. 4. The successful party shall be sworn into office as soon as judgment is rendered in his favor, by the contesting Court, in order to qualify him for taking possession, in case an appeal is not perfected."

Amendment adopted.

On motion of Senator McCrary of Lee, the substitute was adopted.

Senator Cutts moved that the Bill be engrossed and read a third time to-morrow. The motion prevailed.

Senate File No. 51: A Bill for an Act to amend Chapter 98 of the Revision of 1860, in relation to homesteads, was taken up.

Senator Woolson moved that the substitute offered by the Com-

mittee be placed on file and ordered printed. The motion prevailed.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has adopted the following joint resolutions:

Whereas, It is claimed by the 1st Regiment of Iowa Cavalry that there is due them from the State of Iowa one and one-half months' pay; and

Whereas, It appears that this regiment, consisting at that time of ten companies only, to-wit: A to K, inclusive, was raised by direct authority of the Secretary of War, per order issued June 13th, 1861, and not by requisition of the Governor of the State; and

Whereas, Muster and pay rolls were never filed in the office of the Adjutant General of the State of Iowa, as is required of troops raised by requisition on the Governor; and

Whereas, The Judge Advocate General has ruled and decided that the Colonel of said regiment is entitled to pay from the United States for the time claimed by the regiment; and

Whereas, Said Colonel has been paid by the United States Government according to such ruling, and said Colonel agrees to refund any money that he may have received from the State as pay for the time above stated; therefore be it

Resolved, That in the opinion of the General Assembly the General Government is the authority which said Cavalry should look to for pay; and

Resolved further, That the Governor and Adjutant General of this State be and are hereby requested to use their best endeavors with the General Government to secure at as early a day as possible a settlement of the claims of the officers and men of the 1st Regiment Iowa Cavalry. Also the following:

Be it resolved by the House of Representatives, the Senate concurring, That the Capitol Post Office shall be kept open for the reception and delivery of mail matter from eight o'clock, A. M., until half-past seven o'clock, P. M., on each day of the week, except Sabbath, on which day it shall be kept open from eight until ten o'clock, A. M., and from two until four o'clock, P. M.

Also that the House has passed House substitute for Senate File No. 70: "A Bill for an Act entitled an Act for the relief of certain citizens of Keokuk county, and to provide for the claim of John Lardner."

In all of which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk H. R.

Senate File No. 115: A Bill for an Act to repeal Section 5099 of the Revision of 1860, was taken up, and indefinitely postponed.

Senate File No. 50: A Bill for an Act providing for the taxation of the property of Railroad corporations, was taken up.

On motion of Senator Hatch the Senate resolved itself into a

Committee of the Whole for the consideration of the Bill, Senator Cutts in the Chair.

The Committee rose at 12½ o'clock, P. M., reported progress, and asked leave to sit again. Leave granted.

Senator Gue, from special Committee to visit the College Farm, on leave, submitted the following report :

The undersigned members of the Joint Committee, appointed to visit the College Farm and examine into the condition of affairs connected with the Institution, and estimate the cost of a suitable building, have performed that duty and respectfully submit the following report:

We visited the Farm on the 27th of January, and found the

LOCATION

As follows: On a direct line twenty-nine miles due north of the City of Des Moines, in Story County; nine miles west of Nevada, the county seat; and on the direct public road leading from Nevada to Boonsboro. The Farm lies two and one-fourth miles west of Skunk River, the center of the Farm, near where the buildings are erected, being a little more than three miles from the nearest point on Skunk River. The west line of the Farm is two and one-half miles east of the Boone county line. The Cedar Rapids & Missouri Railroad is now being built directly through the Farm, coming into it on the east side, about ninety miles north of the south line, and running diagonally through it, bearing north-west, and leaving it on the north line within about thirty rods of the north-west corner—dividing the Farm so as to leave about 160 acres on the north and about 488 acres on the south side of the Railroad. The Farm is well supplied with

WATER AND TIMBER.

Squaw Creek, a fine stream, comes into the Farm on the north; meanders through near the east line, the whole length affording an inexhaustible supply of pure water for stock. The banks of the stream are low, and densely covered with heavy timber on both sides. The timber is principally black walnut, oak, elm, white maple, linn, cottonwood, ash, hickory and numerous other valuable varieties. We were informed by the Trustees that upon a careful examination they have found upwards of fifty different varieties of timber, bushes and shrubbery growing on the Farm, and from the examination we were able to make, we are satisfied that their estimate is not too high. There is another fine stream of pure water called "Clear Creek," running through the north-west corner of the Farm, the banks of which are high and broken bluffs, covered with a large and magnificent growth of white oak, black walnut, red oak, white walnut, and sugar maple timber. From the best in-

formation we could obtain from our own estimates and other reliable sources, we are satisfied that there is on the College Farm not less than one hundred and fifty acres of valuable heavy timber, embracing nearly every variety growing natural in the State. Near the center of the Farm and about twenty rods east of the barn yard, are several fine springs, affording a good supply of stock water, which, we were informed by old settlers in the vicinity, never froze over. Near the south-west corner of the Farm is a fine pond of water which affords a good supply ten months out of the twelve in the dryest seasons.

After a careful examination, we are enabled to present to the General Assembly the following

DESCRIPTION OF THE FARM.

The farm contains six hundred and forty-eight acres lying in a body, being about 400 rods long from east to west and about 259 rods wide from north to south. After deducting the one hundred and fifty acres of timber above described, there remain 498 acres of prairie land suitable for grass and grain. There is probably not far from 180 acres of low bottom land, about one hundred of which is covered with timber; the remainder is about equally divided between wet and dry bottom.

The low land in the timber is a rich, deep black sandy loam, with clay subsoil, but not inclined to hold water on the surface. Next west adjoining the timber is a fine, smooth, level tract of low land, remarkably well adapted for grass, but could by a judicious system of drainage be converted into the most productive corn land, not excelled in the west. Beyond this to the north-west is a large tract known in this State as second bottom land, being level, dry and very rich and remarkably productive for almost every crop grown in this latitude. The soil is a mixture of black sand, fine gravel and rich black alluvian and prairie soil proper; comprising perhaps the most desirable soil known to the agriculturalist. A part of this land was sowed with wheat last season and produced, as we are informed, about 20 bushels to the acre of *first quality*, as we ascertained by examination. West of this is a large tract of level prairie, the soil being dry, slightly intermixed with fine gravel in places, with clay subsoil, being a fair representative of the prevailing prairie soil in the State. On the north-west corner of the farm is a tract of perhaps 40 acres of clay soil, most of which is covered with a heavy growth of oak, walnut and hickory timber. Though called clay soil, this land is a fair specimen of what is known in this State as "barrens" and "timber land." The soil is a mixture of prairie and clay, with heavy clay subsoil, and is considered the best wheat and fruit land in the western States. On the south side of the farm is about 90 acres of high rolling prairie, intermixed with gravel, and well adapted for almost any grain crop

raised in the West, being warm and dry, the ravines which intersect it carrying off all surplus water in the wettest seasons. The gravel contained in the soil is mostly on the surface, and is turned under by the first plowing—nearly disappearing after cultivation. We found fine sand and gravel banks on the farm, furnishing an inexhaustible supply for building purposes and for grading roads, walks and yards.

There is also on the farm good clay for brick making, convenient to where the College will probably be erected.

THE IMPROVEMENTS

Consist of a good, substantial brick farm house, with a basement of stone, making a cellar under the whole building. The house is nearly completed, the mortar being mixed ready for plastering the inside walls and partitions, in the spring; and when finished will cost about three thousand dollars. The bricks were manufactured on the farm. There is also a good barn on the place, well finished and painted, of good height and is 42 feet by 60 in size, capable of providing storage room for the grain, and shelter for the necessary teams and stock connected with the farm. There is a good stone basement under the barn, and a large yard inclosed by a substantial fence.

A great portion of the material and work used in the erection of these buildings, was furnished in payment of voluntary subscriptions, by citizens in the vicinity.

There is about 220 acres of the farm inclosed by a substantial fence, a part of which is built of boards and posts, five boards high, and the remainder of rails, staked and ridered, eight rails high. The fences are built of good material, and are put up in a very substantial manner. Of the land inclosed about 148 acres are under cultivation, and had crops on the past season.

There is a fine young orchard of about 400 thrifty trees, near the house, inclosed by a good fence, which has protected it from damage by cattle; and this little experiment has satisfied the people in the vicinity that the prevalent opinion that fruit cannot be raised upon our *open prairies* is entirely erroneous. They witnessed fine apples growing upon many of these trees which had been planted out but *three years* before, on the *level, open prairie*. They see that to be successful only requires ordinary care; such as they would bestow upon a corn crop, and they are profiting by this demonstration placed before their eyes, as we observed that nearly every farmer in the vicinity has begun to plant an orchard. These trees on the farm were donated to the Trustees by Mr. Smith, the well known nurseryman of Des Moines.

A well has been dug near the house, affording a good supply of pure water, at a depth of about 80 feet.

About 75 grape-vines have been planted near the orchard, of sev-

eral different varieties, among which are the Concord, Clinton, Isabella and Catawba. They appeared to flourish well, making a fine growth and producing some fruit.

BUILDING MATERIAL

For the erection of a College can be found in abundance on the farm and in the immediate vicinity. All of the necessary timber for frame-work can be taken from the farm without injury to the place. The necessary wood to burn the brick can be procured from down timber which is fast going to waste, and the best kind of clay and sand for the manufacture of the brick, are found in abundance on the farm. Stone for the basement can be had within three and one-half miles, and lime within six miles of the place. Pine lumber and shingles can be obtained by means of the railroad, which is being now built directly through the farm.

There are several saw-mills in the immediate vicinity of the timber lands, both steam and water mills, capable of supplying any reasonable demand for lumber.

THE LANDS DONATED IN STORY COUNTY

Lie on an average within two miles of the College Farm, and within one and one-half miles of the railroad. They consist of two 80-acre tracts, five of 40 acres, and four of 20 acres each, of good prairie land; three 10-acre lots of timber, and one lot of 32 acres of timber; making 440 acres of prairie and 62 acres of timber. There are also 200 acres of land in Boone county, consisting of five lots, varying in size from 20 to 80 acres each, and lying, on an average, within two and one-half miles of the line of railroad, and within about seven miles of the farm. The lands thus donated to the college amount to 640 acres of prairie, estimated to be worth \$4,00 per acre, making \$2,560. The timber lands, 62 acres, are estimated to be worth \$14,00 per acre, making \$868,00; total, \$3,428,00. There is also one acre of land, donated to the farm, and within one mile of it, containing a good stone-quarry, besides about 20 lots in New Philadelphia, a new town on the line of the railroad, and about two miles from the farm, which will probably be the nearest railroad station.

Sections 9 and 10 of the organic act providing for the purchase of the College Farm, require that the Trustees shall purchase suitable lands, not less than 640 acres, for the use of the College and Experimental Farm; and that they shall take into consideration the price, location, quality and variety of soil, advantages of water, timber, stone, &c.

Your committee, after a thorough examination, are of the opinion that it would have been difficult for the trustees to have made a selection more fully complying with the requirements of the law,

than the one purchased. It has upon it at least six different varieties of soil, representing the prevailing kinds in the State; it has more than 50 varieties of timber, bushes and shrubs, and running water, spring and well water in abundance; a plenty of gravel, sand, stone, and material for brick; high dry land, level dry land, rolling clay, second bottom, sloughs, flat wet bottom, and timber bottom, besides the genuine prairie land.

We know of no other farm of the size in the State combining so many leading characteristics of Iowa land, and though we went to the farm with some feelings of prejudice against the location, we came away fully impressed with the belief that it answers the requirements of the law, as completely as any selection that could have been made. We are satisfied that the main object had in view by the framers of the organic law was, that the experimental farm should combine as many leading characteristics of the lands of our State as possible to be found in one farm, that all of the different varieties might be thoroughly tested, with the various grains and grasses, vegetables and fruits, and the final results might add to the experimental knowledge of the cultivators of the soil. We deem it our duty to make a brief review of the

HISTORY OF THE COLLEGE AND FARM,

and of what has been done by the Legislature and Trustees to carry into effect the requirements of the organic law.

At the session of the Legislature of 1858, an act was passed providing for the establishment of a State Agricultural College and Farm, with a Board of Trustees, which shall be connected with the *entire* agricultural interests of the State.

Section 2 of the act provides that the College and Farm shall be under the management of a Board of eleven Trustees, and the Governor and President of the State Agricultural Society shall be ex-officio members. It also provides that one trustee shall be chosen from each judicial district in the State from persons nominated by the county agricultural societies, thus securing men for this high position who are identified with the great interest they are to represent, and wisely guarding against the danger of allowing this important institution, intended for the benefit of the industrial interests of the State, from being diverted from its noble purpose to build up some favored city or village, and convert what was designed for the benefit of the great agricultural and mechanical interests of the entire State, into a mere *local* school for the benefit of only those who are fortunate enough to live in the immediate vicinity.

The trustees, wisely foreseeing that an institution of this kind to be successful in carrying out fully the intention of the Legislature must be located in the country, away from the attractions, vices and contaminations of a city, purchased what is known as the "Col-

lege Farm," in Story county, a central position, which will soon be accessible from all parts of the State. The farm, which we have fully described in another part of this report, was purchased at a cost of \$5,379 12. In consideration of having the college located at that place, the citizens of Story and Boone counties made liberal donations of lands and money, labor and material, to the amount of about \$7,000, to assist in improving the farm and erecting the necessary farm buildings.

The county of Story issued bonds to the amount of \$10,000, for the benefit of the college, bearing interest at 7 per cent. There is also appropriated the proceeds of the sales of five sections of land (heretofore granted to the State for the erection of capitol buildings in Jasper county) for the use and benefit of the college. Congress has, by an act since passed, diverted this grant of lands to the college, and a portion of them have been sold by the trustees. The estimated value of these lands is about \$14,000

Soon after the passage of the organic law providing for an Agricultural College the great financial crash came, suspending almost all improvements, ruining thousands of the business men in the country, and reducing the State revenue so much as to render it necessary to make a large loan for the purpose of meeting the ordinary expenses of the State government. In view of this state of affairs, while other public institutions of the State were demanding and receiving large appropriations, the friends of the college waited patiently for better times, before calling upon the State for the necessary means for the erection of a college building. Before the country had fully recovered from the effects of the financial difficulties the great rebellion broke out, engrossing the entire attention of the loyal States, and requiring heavy and extraordinary appropriations from our State to place our quota of volunteers in the field.

During all this time the friends of the Agricultural College had not been idle. Knowing that in order to carry out faithfully the purpose in view, of providing an institution in which the sons of the working men could acquire a thorough practical education suited to the profession they were to follow through life, at so small an expense that the poorest would not be excluded for the want of means, the friends of the college acting with others in different States, made earnest, and finally successful efforts, to influence Congress to make a grant of lands for the future endowment of these institutions. The lands thus granted to our State amounted to 240,000 acres; nearly all of which have been selected in the north-western part of the State. This grant was made upon the express condition that the States accepting it should within five years from the approval of the act, "provide at least one college, where the leading object shall be, (without excluding other scientific and classical studies, and including military tactics,) to teach such branches of learning as are related to agriculture and the mechanic arts."

Section *second* of the act of Congress expressly provides that no portion of the fund arising from the sale of these lands, or the interest thereon, shall be applied directly or indirectly to the purchase, erection or repair of any building or buildings. Thus it will be observed that the entire fund shall be invested and used for no other purpose than for the future endowment of the college, excepting that ten per cent. of the proceeds may be expended in procuring a suitable farm to carry on the manual labor department.

This land is mostly prairie, destitute of timber, far from market, and could only be sold at the present time at a very low price and at a great sacrifice. Good policy and the future interests of the college require that no more of the land should be now offered for sale, than is absolutely required to meet the necessary expenses of the institution, which can not be otherwise provided for.

It now remains for the State to decide by the action of the present Legislature whether we shall carry out, in good faith to the citizens of our own State, and the general government that made this most munificent grant, the noble and worthy purpose contemplated by the law.

If with a full sense of the great obligation resting upon them, and a realization of the important trust committed to their care, this Legislature shall, honestly and faithfully, perform their duty, they will be entitled to the lasting gratitude of the sons of the working-men of the State for all time to come.

Your Committee have found it very difficult to arrive at any definite conclusion in regard to the cost of a suitable building for a college. We find that an estimate has been made by an experienced Architect employed by the Trustees. The plan proposed is to erect a building that will accommodate one hundred students, the President and professors, with lecture and recitation rooms, laboratory, kitchen, dining and all other rooms necessary for a college and house for all connected with the institution. The building to be three stories high, and 42 feet by 150 feet; the basement to be built of stone, and the superstructure of brick. The estimated cost of such a building, fully completed, ready for occupation, is \$50,000.

The Trustees estimate that they have in money, lands donated, and bonds, an amount sufficient to furnish the college, provide the necessary apparatus, stock the farm with improved breeds of animals, the out-buildings, farming utensils, machinery, &c., suitable to make a satisfactory commencement.

It is thought that \$30,000 would erect the out walls of the building and inclose it, and if the Legislature should not think best to provide a sufficient appropriation, at this session for its completion, the above mentioned amount could be used to advantage, in carrying on the work; and the friends of the institution believe the next Legislature would furnish the sum necessary to complete and put

the college in operation within the time required by the Act of Congress making the grant.

The proposition has been made by the friends of the State University, to take charge of the Agricultural College, and attach a department to the University, in which shall be taught such branches as relate to agriculture and the mechanic arts, provided a large portion of the land grant be diverted to the use and benefit of the University. We regard this proposition as so manifestly unjust and dangerous, that we feel it our duty to refer to some of the difficulties in the way of such an attempted union of the two institutions. The University is intended to be a higher grade school than any other in the State, in which students from the various seminaries, academies, and colleges may enter, and complete an education in the highest branches taught, affording facilities and advantages that no other educational institution in the State possesses. The object is a noble one, worthy of our great State, and we trust that the purpose will be fully carried out, without endangering its success by "any entangling alliances." The State and General Government have dealt most liberally with it, affording it support and aid, in lands, buildings and money, to the amount of more than \$330,000.

The Agricultural College was projected for a very different purpose, and is intended to be conducted on an entirely different plan. The want of a high school or college for the sons of working men, where they could, at a trifling expense, acquire a thorough practical education, adapted to the industrial pursuits they desire to follow through life, has been long felt and earnestly desired. It is evident to every one who has examined the subject that this institution, to be successful, must be entirely independent of ordinary colleges and universities where theories are taught, without practical illustrations. The organic act provides that all students admitted into the college "shall labor not less than *two hours per day* in winter and *three hours* in the summer season." The object of this provision is, no doubt, to place all students on a perfect equality as far as manual labor is concerned, that there may be no distinction between the sons of rich or poor—that the student who may be compelled to labor to pay his way may not feel that he is submitting to a work of drudgery, but is only complying with the rules of the college, wisely provided for the benefit of all, in giving them the advantage of every day practice to test the truth or error of the new theories they are learning. Does any reflecting person believe that these most important provisions of the system of agricultural education can be connected with the State University, located in the heart of a populous city, where no experimental farm can be connected with it, with no suitable boarding house where young boys can be under the care and control of a suitable person who would look to their welfare? They would be turned loose after school hours, to all of the enticements, vices and cor-

rupting influences of a city. They must find boarding places among the inhabitants of the town, where their labor cannot be employed to defray expenses; a department thus conducted can derive none of the benefits contemplated by the friends of the Agricultural College, in providing an industrial school in accordance with the act of our own Legislature, and the law of Congress making the munificent land grant, to enable the plans of the college to be faithfully and honestly carried out.

We are satisfied that any such attempt at consolidation would result in endless strife, quarrels, jealousy and confusion, and would go far towards destroying the usefulness of both. We believe it to be the duty of the Legislature to encourage and sustain both of these valuable institutions by judicious and liberal assistance, while both are left free to stand or fall on their own merits.

All of which is respectfully submitted.

[Signed,]

B. F. GUE,
JOHN RUSSELL,
CHARLES PAULK.

On motion of Senator Young the report was laid upon the table and ordered printed.

Senator Clark asked leave of absence for Senator Flaugh. Granted.

On motion of Senator Hillsinger the Senate adjourned.

SENATE CHAMBER, }
Des Moines, February 17th, 1864. }

The Senate convened at 9 o'clock A. M.
Prayer was offered by Rev. J. A. Nash.
Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Knoll : In reference to increasing the duties and compensation of County Superintendents. Referred to Committee on Schools.

By Senator Brayton : A communication from O. P. Reeves. Referred to Judiciary Committee.

Also a petition in reference to vacating certain streets in Hopkinton, Iowa. Referred to Committee on Roads.

By Senator Wharton : A petition asking for an act to restrain hogs from running at large. Referred to Committee on Agriculture.

By Senator Hunt : A petition asking for repeal of the Prohibi-

tory Liquor Law, and the passage of a License Law. Referred to special Committee on Liquor Law.

By Senator Hart: In reference to same subject. Referred to same Committee.

INTRODUCTION OF BILLS.

By Mr. Roberts: S. F. No. 142: A Bill for an act to facilitate the construction and operation of Rail Roads in the State of Iowa. Read a first and second time, placed on file, and ordered to be printed.

By Senator McMillen, S. F. No. 143: A Bill for an act further defining the powers and duties of the Register of the State Land Office, and providing for a seal. Read a first and second time and referred to Judiciary Committee.

By Senator McCrary of Lee, S. F. No. 144: A Bill for an act to repeal section 2624 of the Revision of 1860, in relation to the time of holding the terms of the Supreme Court, and to provide a substitute therefor. Read a first and second time and referred to Judiciary Committee.

By Senator Boardman, S. F. No. 145: A Bill for an act to legalize the acts of Ezra Batchelder, a Notary Public in Clinton county. Read a first and second time and referred to Judiciary Committee.

By Senator Foote, S. F. No. 146: A Bill for an act fixing the fiscal term for State Institutions, when reports shall be made, and their distribution. Read a first and second time and referred to Judiciary Committee.

By Senator Hillyer, S. F. No. 147: A Bill for an act to resume certain lands, rights, powers and privileges granted to the State of Iowa by the United States, and by said State conditionally conferred upon the Burlington and Missouri River Railroad Company. Read a first and second time and referred to Committee on Railroads.

By Senator Dixon, S. F. No. 148: A Bill for an act to amend chapter 173 of the Laws of the Ninth General Assembly. Read a first and second time and referred to Committee on Ways and Means.

Senator Hogin from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined Senate File No. 126: A Bill for an act to amend chapter 37 of the Revision of 1860, in relation to contested elections, and find it correctly engrossed. The Committee have also examined Senate File No. 20: A Bill for an act to amend section 432, chapter 29, of the Revision of 1860, and find it correctly engrossed.

The Chair presented the following communication from Sam'l Storrs Howe:

Iowa City, February 5th, 1864.

Hon. Lieut. Gov. E. W. Eastman, Pres't. of the Senate of Iowa:

HONORED SIR:—Please accept the accompanying copy of Worcester's Quarto Dictionary, from the publishers, Messrs. Brewer & Tileston, of Boston, Mass., who, at my suggestion, present this specimen of their national standard issue to the honorable body over which you preside, as a convenient book of reference for the Senate of Iowa, at its present session and future sittings.

It is scarcely necessary to add that this new work, reflecting so much credit on American literature, is regarded by many eminent scholars, both in the United States and in Great Britain, as "the best dictionary in the English language."

With sentiments of high consideration and respect, I am sincerely yours.

SAM'L STORRS HOWE.

Senator Gray offered the following resolution:

Resolved unanimously, That the thanks of the Senate be tendered to the publishers of the Worcester Quarto Dictionary, for the valuable present of a copy of the same.

And that the Secretary of the Senate be instructed to furnish a copy of this Resolution to the publishers of said Dictionary.

The resolution was adopted.

By consent, Mr. McCrary, of Lee, called up Senate File No. 126: A Bill for an Act to amend chapter 37 of the Revision of 1860, in relation to contested elections. The Bill was read and the question now being upon the passage of the Bill,

The yeas were, Senators Bassett, Burdick, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton, Woolson and Young—37.

The nays were, Senators Brunson, Knoll and Udell—3.

Bill passed and title agreed to.

Senator Gray, by consent, called up S. F. No. 131: A Bill for an act to provide for the sale of the Swamp Lands in the several counties of this State.

The substitute reported by the committee was adopted, the bill read a third time, and, on the question, "Shall the bill pass,"

The yeas were, Senators Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary, of Lee, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson, and Young—36.

The nays were, Senators Bassett and Henderson—2.

Absent or not excused, Senators Clarkson and Patterson.

Bill passed and title agreed to.

On motion of Senator Woolson, the Senate resolved itself into a committee of the whole for the further consideration of S. F. No. 50: A Bill for an act providing for the taxation of the property of railroad corporations.

Committee rose at 12 o'clock, M., reported progress and asked leave to sit again. Leave was granted.

Leave of absence was granted to Senator Gray.

Senator Parvin, from committee on Enrolled Bills, submitted the following report:

The committee on Enrolled Bills report that on the 16th inst. they presented to his Excellency, the Governor, for his signature, S. F. No. 33.

J. A. PARVIN, Chairman.

Senator Gue, by consent, introduced a memorial by C. C. Cole in reference to the Iowa State Orphan Asylum. Referred to special committee on Orphan Asylum.

On motion of Senator Hilsinger, Senate adjourned.

SENATE CHAMBER, }
Des Moines, February 18, 1864. }

Senate convened at the usual hour.

Prayer was offered by the Rev. Mr. Bird.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Mr. Wharton: A petition of Hon. James M. Kent and sixty-six others, in reference to the transportation of grain and other property by railroads. Referred to a special committee, of which Mr. Cutts is chairman.

By Senator Udell: in reference to the formation of a new school district in Appanoose county or a return to the independent district system. Referred to Committee on Schools.

INTRODUCTION OF BILLS.

By Senator Roberts, from the Committee on Railroads: S. F. No. 149—a Bill for an Act to confer certain powers upon railroad companies. Read a first and second time and placed on file.

By Senator McJunkin: Senate File No. 150—a Bill for an Act to regulate the collection of costs in civil cases. Read a first and second time and referred to Committee on Judiciary.

By consent, Senator Hunt, from the Special Committee on Judicial Districts, submitted the following report:

The Committee on Judicial Districts to whom was referred Senate File No. 81, have instructed me to report the same back to the Senate with a recommendation that it do not pass.

Senator Woolson from the Committee on Township and County Organizations submitted the following report:

The Committee on Township and County Organizations have had under consideration Senate File No. 103, and have instructed me to report the same back with the following amendments, and as thus amended recommend its passage, viz:

1st. Strike out of section 2, from the 18th and 19th lines after the word "it," the words "and there is no other defect than a broken chain of title."

2d. Add the following new sections:

SEC. 7. The tax books hereafter used shall be so ruled and made as to contain sufficient columns and space for the entry of every transfer of title of any lands entered therein, which shall come to the knowledge of the County Treasurer; and such Treasurer shall whenever a deed is presented to him for that purpose, enter the transfer thereof under the proper letter, marking at the same time opposite the name of the grantor, or opposite the land conveyed, that such land is transferred, with a reference to where it may be found.

SEC. 8. If any Recorder shall record any deed, purporting to convey absolute title to any lands without the same being transferred previous to such recording, he shall be fined in the sum of ten dollars for each offense.

SEC. 9. Whenever the Treasurer knows of the ownership of any lands on the tax books which are not therein correctly entered, he shall correct such entry.

SEC. 10. The County Treasurer shall biennially make out the proper number of assessment books for the several assessors in his county, before the first day of January in each year. Such books shall contain the names of all owners of lands in the territory of such assessor, made out in alphabetical order, and containing the description of all the lands in such territory, as the same may appear by the last corrected tax books in his office; and in alternate years he shall make out the books in like manner, omitting the description of the lands and in both cases the assessor shall add any names omitted, and shall correct any errors he may discover therein, while performing his duty."

T. W. WOOLSON.

On motion of Senator Woolson, the Bill and report of the committee, with the amendments offered, were ordered to be printed.

On motion of Senator Hatch, the Senate went into Committee of the Whole for the further consideration of S. F. No. 50: A Bill for an Act providing for the taxation of the property of railroad corporations.

Senator Cutts in the chair.

The Committee rose at 12 o'clock M., reported progress, and asked leave to sit again. Leave granted.

On motion of Senator Gue, the Chair added to the Special Committee on Orphan Asylum, Senator Cutts

RESOLUTIONS.

By Senator Henderson :

Resolved by the Senate, That the House of Representatives be requested to return to the Senate a resolution providing for the printing of the report of Mrs. Wittenmyer on Sanitary Affairs, adopted by the Senate. The resolution was adopted.

By Senator Foote :

Resolved, That on and after this day (18th) the Senate will hold two sessions each day, commencing at 10 o'clock A. M. and 2 o'clock P. M. The resolution was adopted.

Received from the House the following message :

MR. PRESIDENT :—I am directed to inform your honorable body that the House of Representatives has passed H. F. No. 108: A Bill for an Act changing the time of holding the regular session of the District Court in the county of Audubon for the year 1864; in which the concurrence of the Senate is respectfully asked.

Also, that the House has ordered the printing of 3,000 copies of Mrs. Annie Wittenmyer's report, together with the Governor's Message relating to Sanitary affairs.

JACOB RICH, Chief Clerk H. R.

Senator Udell, by consent, called up S. F. No. 62: A Bill for an Act to amend Chapter 175, Acts of the 9th General Assembly at its regular session. Bill read a third time, and on the question "Shall the Bill pass?" the yeas were,

Messrs. Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—40.

The nays were—0.

Bill passed and title agreed to.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills report that they have examined Senate File No. 53: A Bill for an Act to provide for the appointment of Commissioners to settle with certain sureties of James D. Eads, late Superintendent of Public Instruction, and conferring certain other powers upon said Commissioners.

House File No. 52: A Bill for an Act supplemental to an Act entitled an Act for the benefit of rail road companies.

Senate File No. 48 : A Bill for an Act to provide for reporting, publishing, and distributing the decisions of the Supreme Court of this State.

Senate File No. 32 : A Bill for an Act supplemental to an Act entitled an Act to repeal Chapter 7 of the laws of the State of Iowa, passed at the Extra Session of the Eighth General Assembly, entitled an Act for the relief of the volunteer soldiers of the State, approved April 7th, 1862, and find the same correctly enrolled.

The Committee on Enrolled Bills report that on the 18th instant they presented to His Excellency, the Governor, for his signature, Senate Files Nos. 53, 48, and 32.

J. A. PARVIN, Chairman.

On motion of Senator Henderson, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

On motion of Mr. Udell the message from the House in reference to the printing of Mrs. Wittenmyer's report was taken up and referred to Committee on Printing.

By consent, Senator Bassett called up House File No. 108: A Bill for an Act changing the time of holding the regular session of the District Court in the county of Audubon, for the year 1864.

On motion of Senator Bassett the eleventh rule was suspended, and the Bill read a third time.

The question now being upon the passage of the Bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Cutts, Dixon, Foote, Gue, Henderson, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Woolson, Wharton and Young—37.

The nays were, none.

Absent or not excused—Senators Brayton, Bridges, Hesser and Young.

Bill passed and title agreed to.

On request of Senator Henderson leave of absence was granted to Senator Young till Tuesday next.

On motion of Senator Hatch the Senate went into Committee of the Whole for the further consideration of Senate File No. 50: A Bill for an Act providing for the taxation of the property of Railroad corporations. Senator Cutts in the Chair.

The Committee rose at 5 o'clock, P. M., reported the Bill back to the Senate and asked to be discharged.

Senator Roberts moved that the Committee be discharged. The motion was adopted.

By consent, Senator Henderson introduced Senate File No. 151: A Bill for an Act to provide for the better security and collection of debts due to the State of Iowa or for the use or benefit of the State. The Bill was read a first and second time, and referred to Judiciary Committee.

Senator Woolson moved that Senate File No. 50: A Bill for an Act providing for the taxation of the property of railroad corporations, be made the special order for Thursday, February 25th, at 10½ o'clock, A. M. Carried.

The Senate adjourned.

SENATE CHAMBER, }
Des Moines, Iowa, February 19th, 1864. }

Senate convened at the usual hour.

Prayer was offered by Senator Shippen.

Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Knoll: For an act to encourage mining in the State of Iowa. Referred to special committee, of which Senator Knoll is chairman.

By Senator Hesser: Asking for the repeal of the Prohibitory Liquor Law, and the passage of a license law. Referred to Special Committee on Liquor Law.

By Senator Moore: Asking for an act to prevent stock from running at large. Referred to Committee on Agriculture.

Senator McCrary, of Lee, moved that the order of business be suspended for the introduction of bills. The motion was adopted.

INTRODUCTION OF BILLS.

By Senator Knoll, S. F. No. 152: A Bill for an act to encourage mining in the State of Iowa. The bill was read a first and second time, and referred to special committee, of which Senator Knoll is chairman.

The chair added to the committee Senators Hunt and Brayton.

By Mr. Hesser, S. F. No. 153: A Bill for an act to fix the compensation of guards of the Iowa Penitentiary.

The bill was read a first and second time, and referred to Committee on Ways and Means.

By Senator Foote, Senate File No. 154: A Bill for an Act to amend section 1, chapter 174, of the acts of the Sixth General As-

sembly, relating to railroad bridge and ferry at Burlington. The Bill was read a first and second time, and referred to Committee on Railroads.

By Senator Boardman, Senate File No. 155: A Bill for an Act to legalize the Acts of Wm. D. Eaton, formerly a Notary Public of Kossuth county, Iowa. The Bill was read a first and second time and referred to Judiciary Committee.

By Senator McCrary, of Lee, Senate File No. 156: A Bill for an Act supplemental to an Act for disposing of the grant of lands made by the acts of Congress to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines river. The Bill was read a first and second time, and referred to Special Committee on Des Moines River lands and ordered to be printed.

Also Senate File No. 157: A Bill for an Act to set apart certain Des Moines River lands, and provide for the payment of the claims against the Des Moines River improvement, and for other purposes. The Bill was read a first and second time. Referred to Special Committee on Des Moines River lands, and ordered to be printed.

By Senator Young, Senate File No. 158: A Bill for an Act making an appropriation for a new building for the Iowa State University. The Bill was read a first and second time, and referred to Committee on Ways and Means.

By Senator Ross: A Joint Resolution in relation to swamp lands. The resolution was read a first and second time, and referred to Committee on Public Lands.

By request of Senator Merrill leave of absence was granted to Senator Hatch.

REPORTS OF COMMITTEES NOT PREVIOUSLY ACTED UPON.

S. F. No. 18: A Bill for an Act to increase the number of the Judges of the Supreme Court, &c., was taken up.

Senator Henderson moved that the Senate concur in the amendment proposed by the House.

Upon this motion

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Clark, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Woolson—30.

The yeas were Senators Brayton, Cutler, Clarkson, Cutts, Hesser, Hunt, Hilsinger, Knoll, Patterson, Wharton and Young—11.

The Senate concurred.

Substitute for S. F. No. 60: A Bill for an Act to amend chapter 172 of the acts of the Ninth General Assembly of the State of Iowa, entitled "An Act to amend and consolidate an act passed by the Board of Education December 24, 1859, entitled "An Act to

amend an Act entitled an Act to provide a system of Common Schools and the amendments thereto," was taken up by sections.

Senator Henderson moved to strike out the words "most progressive" in the seventh line of section 5, and add after the word "necessary" the words "to promote the interest of the school."

The motion did not prevail.

Senator Brunson moved to insert in the tenth line of section 5, the word "sub" before the word "district." The motion did not prevail.

Senator Woolson moved to strike out the word "directions" in the fifth line of section 5, and inserting the word "advice." The motion prevailed.

Senator Udell moved to strike out all of section 5.

Senator Henderson moved that the bill be recommitted to the Committee on Schools and School Lands, with instructions to retain the 5th and 6th sections of the bill or the substantial provisions thereof. The motion did not prevail.

The question now being upon Senator Udell's amendment the yeas and nays were called with the following result.

The yeas were, Senators Brown, Bridges, Clarkson, Hesser, Udell, and Wharton—6.

The nays were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Cutler, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hilsinger, Knoll, King, McJunkin, McCrary, of Lee, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, and Woolson—32.

The amendment was not adopted.

Received from the House the following message:

MR. PRESIDENT:—I am directed to inform your honorable body that the House has passed the resolution of the Senate providing for printing 3,000 copies of the report of Mrs. Annie Wittenmeyer, with the following amendment:

"Also that there be printed and bound therewith 3,000 copies of the Governor's Special Message on Sanitary Affairs."

In which, the concurrence of the Senate is respectfully asked.

Also that the House has passed Senate File No. 99: A Bill for an Act for the encouragement of public libraries, with the following amendments:

Add to Section 2, the following words: "And one such copy to each of the following institutions, viz: to the State University, the Hospital for the Insane, the Deaf and Dumb Asylum, the Blind Asylum, the State Penitentiary, and State Agricultural College; also one copy to each of the libraries of the public Colleges and incorporated literary institutions of this State."

Also, that the House has passed H. F. No. 86: A Bill for an Act providing for recording U. S. Revenue Stamps attached to instruments of writing.

In which, the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

Leave of absence was granted to Senator Roberts.

Senator Hart moved that the Bill be made the special order for February 23d, at 10 $\frac{1}{2}$ o'clock, A. M.

Senator Udell moved that the Bill be recommitted to the Committee on Schools and School Lands. The motion did not prevail.

The motion of Senator Hart prevailed.

On motion of Senator Hilsinger the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

REPORTS ON FILE.

House File No. 42: A Bill for an Act to amend Sections 4779 and 4780 of the Revision of 1860, in relation to peremptory challenges in criminal cases, was taken up. Report of the Committee adopted, and the Bill indefinitely postponed.

Memorial of Theodore Hawley, in reference to acknowledgments of deeds, was taken up, and on motion of Senator Bassett, laid on the table.

Senate File No. 96: A Bill for an Act supplemental and amendatory to Chapter 58 of the Revision of 1860, was taken up.

Senator Hunt offered the following amendment:

"Section 3. Section 1419 is hereby repealed and the following is enacted in lieu thereof: 'Upon the return day of the summons, if the legal service has been made, the Court shall proceed to hear the cause, examining the woman and other witnesses, and permitting the accused to introduce testimony also, but continuances may be granted for good cause, and the accused may demand a jury.'"

The amendment was adopted.

On motion of Senator McCrary, of Lee, the Bill was ordered to be engrossed and printed.

Senate File No. 4: A Bill for an Act providing for Assistant Collectors and for the better collection of taxes.

Senator Burdick moved that the Bill be indefinitely postponed.

Senator Woolson moved to amend the motion so that the Bill be postponed till Feb. 28th. The motion prevailed.

Senate File No. 75: A Bill for an Act to repeal chapter 119 of the laws of the 9th General Assembly, and to provide for the giving of bonds by County Judges, was taken up, and on motion of Mr. Stubbs indefinitely postponed.

Senate File No. 124: A Bill for an Act to amend sub-division 5 of section 663 of the Revision of 1860, was taken up and read a third time.

The question now being upon the passage of the Bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hilsinger, Knoll, King, McJunkin, McCrary, of Lee, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—36.

Absent or not excused, Senator Burdick.

Bill passed and title agreed to.

S. F. No. 112, A Bill for an Act defining “fraud” in certain cases, and providing punishment therefor, was taken up, the report of the committee adopted, and the bill indefinitely postponed.

S. F. No. 123, A Bill for an Act authorizing the transmission of funds to pay interest on State Bonds, was taken up and read a third time.

The question being upon the passage of the bill,

The yeas and nays were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary, of Lee, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—36.

Absent or not excused, Senator Cutler.

Bill passed and title agreed.

Substitute for House subsititute for House File Nos. 48 and 49: A Bill for an act in relation to the disposition of the specie in the State Treasury, was taken up.

The substitute was not adopted.

The House substitute was read a third time.

The question being upon the passage of the bill,

The yeas were, Senators Brunson, Brayton, Boardman, Bridges, Clarkson, Clark, Cutts, Dixon, Gue, Hart, Henderson, Hesser, King, McCrary, of Lee, Moore, McMillan, Merrill, Patterson, Parvin, Saunders, Stubbs, Shippen, and Wharton—23.

The nays were, Senators Bassett, Burdick, Brown, Cutler, Foote, Hogin, Hurley, Hillyer, Hunt, Hilsinger, Knoll, McJunkin, Ross, Udell, and Woolson—15.

The bill did not pass.

The Joint Resolution recommending certain changes in the Act of Congress approved July 1st, 1862, establishing a Pacific Railroad and branches, was taken up and the resolution adopted.

By consent Senator McCrary of Lee called up the message from the House in reference to Mrs. Wittenmeyer's report, and the Governor's Message in reference to sanitary affairs. The report and message on motion of Senator McCrary of Lee, were referred to Committee on Printing.

By consent Senator Woolson introduced S. F. No. 159 : A Bill for an Act supplemental to an act passed at the present session entitled an Act to provide for reporting, publishing and distributing

the decisions of the Supreme Court of this State. The bill was read a first and second time.

On motion of Senator Woolson the 11th rule was suspended and the bill read a third time.

The question being, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hillyer, Hunt, Hilsinger, Hurley, Knoll, King, McJunkin, McCrary of Lee, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—36.

The nays were, none.

Absent and not excused, Senator Hesser.

Bill passed and title agreed to.

Senator McJunkin, by consent, called up S. F. No. 45 : A Bill for an Act regulating the taxation and collection of costs in criminal cases, and on motion the bill was placed on file.

On motion of Senator Boardman the Senate adjourned.

SENATE CHAMBER, }
Des Moines, February 20th, 1864. }

Senate convened at 10 o'clock A. M.

Prayer was offered by the Rev. Mr. Bresee.

The journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator McCrary of Lee, claim of Wm. F. Thompson of Lee county against the State of Iowa for services as agent of the State to take care of and collect the State arms. Referred to Committee on Claims.

Senator Cutts moved to reconsider the vote by which the Senate failed to pass the substitute for House File Nos. 48 and 49 : A Bill for an Act in relation to the disposition of the specie in the State Treasury. The motion was adopted.

Senator Boardman moved to reconsider the vote by which the bill was ordered to a third reading. The motion prevailed.

Senator Foote moved that the vote be reconsidered by which the Senate failed to adopt the substitute reported by the Committee. The motion was lost.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed Senate File No. 25 :

A Bill for an Act to amend Section 30 of Chapter 29 of the Laws of the Extra Session of the Ninth General Assembly, with the following amendments: Add in Sec. 1, after the word "Commissioners," the words: "Provided, that the number of Commissioners shall not exceed the whole number of Iowa regiments"; and add another section, as follows:

"Sec. 2. That the rights and privileges extended by Sections 8 and 9 of said Chapter 29, to any regiment, battalion, battery, or company of Iowa soldiers, be and the same are hereby extended to any part of a company or to soldiers in any hospital"; also they have amended the title.

House File No. 90: A Bill for an Act to abolish the Board of Education of the State of Iowa; to provide for the election of a Superintendent of Public Instruction; prescribing his duties; and for other purposes connected therewith.

In all of which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk H. R.

By consent, Senator Stubbs, from Committee on Charitable Institutions, submitted the following report:

The Committee on Charitable Institutions, to whom was referred House File No. 5: A Bill for an Act to amend Chapter 161 of the Laws of the Ninth General Assembly, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage without amendment.

D. P. STUBBS, Chairman.

On motion of Senator Stubbs, House File No. 5: A Bill for an Act to amend Chapter 161 of the Laws of the Ninth General Assembly—was taken up.

Senator Cutts moved to amend the Bill by striking out the name of "Norman W. Isbell" and inserting the name of "Horace Anthony."

Senator Ross moved the previous question, but was not sustained.

The question now being upon Senator Cutts' amendment, Senator Gue called the yeas and nays.

The yeas were, Messrs. Boardman, Bridges, Clarkson, Cutts, Dixon, Gue, Hogin, Hilsinger, Udell, and Wharton—10.

The nays were, Messrs. Bassett, Burdick, Brunson, Brayton, Brown, Cutler, Clark, Foote, Hart, Henderson, Hurley, Hillyer, Hesser, Hunt, Knoll, King, McJunkin, McCrary of Lee, Moore, McMillen, Patterson, Parvin, Ross, Saunoers, Stubbs, Shippenn, and Woolson—27.

The amendment was lost.

On motion of Senator Stubbs, the Bill was read a third time.

The question now being upon the passage of the Bill,

The yeas were Messrs. Bassett, Burdick, Brunson, Brayton, Brown, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foot, Hart, Henderson, Hurley, Hillyer, Hesser, Hunt, Knoll, King, Mc-

Junkin, McCrary of Lee, Moore, McMillian, Parvin, Ross, Saunders, Stubbs, Shippen and Woolson—30.

The nays were Messrs. Boardman, Bridges, Gue, Hogin, Hilsinger, Patterson, Udell and Wharton—8.

Bill passed and title agreed to.

By consent Senator Stubbs, from Joint Committee appointed to visit the State Penitentiary, submitted the following report:

The undersigned Committee appointed in pursuance of the following joint resolution:

"Resolved by the House of Representatives, the Hon. Senate concurring, That a Joint Committee, composed of two on the part of the House, and one on the part of the Senate, be appointed at once to visit the Penitentiary at as early a day as practicable, and that they be instructed to report the result of their investigations in relation to the suggestions and recommendations contained in the Governor's Message of January 22d, and also other matters pertaining to the public interest in the Penitentiary, to this General Assembly," beg leave to submit to the General Assembly the following report:

Your Committee have carefully examined the prison grounds, walls, and all buildings, as well as the proposed plans for enlarging and completing the prison.

The Penitentiary is situated on the north bank of the Mississippi river, at Fort Madison, and but a short distance from said river. It occupies a narrow point of land bounded by two small creeks, the one on the east, the other on the west. There has been a deep ravine in front of a part of the main building, which has been nearly filled up. North and in the rear of the prison is a hill, which overlooks the entire prison yard and buildings. The yard of the prison is three hundred and fifty feet square; the main building forms two hundred feet of the south wall, at the south-west corner of which is the entrance gate, facing toward the south. The west wall is completed, and is a passably good structure of stone. There is also about one-half of the east wall completed, with the exception of the coping, and it is built the same as the one on the west. The entire north wall, about one-half of the east wall, and one hundred and eighteen (118) feet of the south wall is constructed of nothing but high posts and boards. The watch-towers are all completed except the one at the north-east corner of the yard, which has not been commenced. The towers at the south-west and south-east corners of the yard, having good, substantial brick guard-houses built upon them, while the one at the north-west corner has on it a very inferior guard-house, built of rough boards. The prison yard has been graded up to near a level, to do which has caused a fill to be made on the inside and outside of the east and west walls, in some places to the depth of 25 to 30 feet, while on the south and east they have filled some 30 feet, "and the whole grounds surrounded with deep ravines, high hills, and ab-

rupt precipices, east, north and west, once studded over with a dense forest, but now nearly bare. Such is the unpropitious location of the Iowa Penitentiary."

Inside of the prison yard is a one-story frame building, used as a kitchen and dining-room, for the use of convicts; it is but of little value, built of combustible material, and constantly endangering the shops and prison building.

There is also inside the yard a number of old buildings and sheds, which are liable at any time to be consumed by fire, and which, in the opinion of your committee, should be removed as soon as possible. They have been and are at present used as lumber houses by the lessees of the convict labor.

The wash-house is a very inferior building, and also liable to take fire at any time, but if it should burn down, its situation is such that it in all probability would not endanger the shops or main building.

There are three shops inside the walls, built of brick with stone foundations, and covered with tin and slate, in which can be conveniently and profitably worked two hundred and fifty (250) convicts. There is room within the present inclosure to build one more shop, which will accomodate one hundred more, making in the aggregate room for the working of three hundred and fifty convicts.

The prison building is two hundred (200) feet long by forty-four (44) feet wide, showing a two-story front, built of stone and covered with a pine shingle roof. Within this building and surrounding the cells is a corridor ten feet in width. The cells are three stories high, built of stone, with brick partitions and iron doors. The first and part of the second tiers of cells have either no ventilation at all, or if they have any, the tubes intended for that purpose connect the cells, so that convicts can easily converse from cell to cell, whilst they but poorly answer the purpose of ventilation. The forty cells now completed on the third range have a good system of ventilation, and are better constructed than either of the others. The stairs and platform surrounding the cells are badly constructed, and are in an unsafe condition, while *there is not a first class prison lock in the whole Penitentiary building.* The building is poorly and badly lighted, and not warmed at all. The apparatus used for heating being common stoves, which are set at such a distance from the chimneys as to require about one hundred feet of pipe; this is fixed with an occasional drum so as to keep up a great deal more smoke than heat. The floor of the corridor is made of "grub plank," and in connection with the old buildings in the yard above referred to, affords a superb abode for a numerous tribe of rats, which appear to enjoy in the highest degree the pleasures of their retreat.

Thirty-four (34) feet of the west end of the prison building is used for the Warden's house. It is dark, damp, and badly ar-

ranged, inconvenient, and wholly unfit for a respectable residence. There is a hall ten (10) feet wide between the cell-room and Warden's house, which is the entrance to the prison yard, and is the only "clerk's office" that the institution can boast of. Its only light is derived through a grated sash door on the one side, and a side-light door on the other.

As we have before stated, there are three tiers of cells; each of these tiers has fifty-four (54) cells, excepting the upper or third tier, which has but forty completed, there being room for the erection of fourteen more, which, if completed, would make the whole number of cells one hundred and sixty-two, there being completed at the present time one hundred and forty-eight.

The plan proposed for the extension of the prison is to build an octagon of sixty-four feet in diameter at the east end of the present main building; to build a Warden's house in front of and on the south side of the octagon; to continue a wing of the width and similar to the present building, north of the octagon, and to extend a wing east of the octagon, to be used as a female prison; and also to raise the present building fifteen feet in height, and construct two more tiers of cells on top of the ones now built; to convert the present "Clerk's office" and Warden's house into cell room; to take out the present small windows and put larger ones in.

Towards carrying out the above plans the foundation for the octagan has already been built, as well as one side wall of the foundation of the Warden's house, the whole costing between five and six thousand dollars.

The estimates made by the architect, Mr. Edwards, for the completion of the contemplated work, are as follows:

To complete the octagon,.....	\$63,477
To build female wing,.....	22,827
To build Warden's house,.....	12,511
To build Prison wall,.....	6,924
To raise present building and add two tiers of cells,	45,200
To convert Warden's house into Prison,.....	23,000

Making a total of..... 173,939 besides the convict labor that can be used on said work. This amount is exclusive of the cost of the wing proposed to be built at the north side of the octagan and extending into the prison yard. If this plan shauld be carried out there would be a total of four hundred and thirty (430) cells.

Should the General Assembly desire to incur the expense, it would do well to adopt the plans above referred to, and let whatever is done go to the ultimate completion of said plan.

Were the grounds suitable, and the yard sufficiently large, or could suitable adjacent ground be had, your committee would not hesitate to recommend the adoption of the plans, costly as they

may appear to be, as they combine most of the essential elements that go to make up a first class Prison. But looking at this ineligible situation of the Prison on account of the ground surrounding it, the limited number of convicts that could be profitably employed, your committee are constrained to recommend a change of plan that shall conform to the capacity of the grounds.

This, in our opinion, can be done by building a Warden's house and Clerk's office in front of the present main building; by converting the present Warden's house into cell room; by building a kitchen and dining room with hospital above (building the same fire proof,) inside of the yard and near the west wall, on the site of the present kitchen and dining room, and by raising the walls of the main building and adding two more tiers of cells to those already built. If this plan is carried out it will give the following room:

Cells now completed.....	148
Cells to be completed on 3d tier.....	14
Three tiers of cells in the present Warden's house	42
Two tiers additional in both ranges.....	136

Making the total number on this plan..... 340

The last above mentioned plan can be completed by the use of convict labor at the following cost:

Fourteen cells in third tier at \$143.....	\$ 2,002
Converting Warden's house into cells.....	10,500
Raising walls, slating roof, and building 2 tiers cells.....	36,000
Building Warden's house.....	5,000
Prison yard walls.....	6,796
Building kitchen and hospital.....	14,000

Aggregate cost..... \$74,298

Making a difference in cost of the two plans of \$99,641, and only a difference in the accommodation of the number of convicts to the amount of ninety.

The work that is at present needed is to take up the present floor of the corridors and put in concrete ones; to build the fourteen (14) cells on the third tier; to build the Warden's house and Clerk's office, and complete the yard walls and towers. This will cost as follows (if the convict labor be employed,) including the necessary architect, foremen, additional guards, and tools:

For the corridor floor.....	\$ 284
For the 14 cells at \$143 each.....	2,002
For completing the yard walls including the wall from the corner of the main building to the S. E. corner of the yard.....	6,796
For building Warden's house.....	5,000

Total.....	\$14,082
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Your committee are clearly of the opinion that the Legislature should determine the plan to be carried out in the further improvements to be made in said prison, and to specify it so clearly that it cannot be mistaken; and whatever is done should be to carry out that design.

Your committee are of the opinion, considering the short time that will elapse before the expiration of the lease of convict labor, that convicts should be employed in the prosecution of the work, or at least a portion of them.

We can not take leave of this subject without adding our testimony to the neatness and cleanliness that we found throughout the entire prison and grounds, and the good order and strict discipline that is maintained. Your committee are of the opinion that in this particular our State prison will compare favorably with those in the older States.

Your committee most earnestly recommend that the Legislature take some steps towards the improvement and safety of the prison —either adopting the plans as recommended in the former part of this report, or such others as may be determined in the judgment of the Assembly. In its present condition it is not a safe place of confinement for convicts. Nothing but the vigilance of the Warden, the close attention of the officers, and the watchfulness of the guards secure their confinement.

The law requires that the Warden should reside in the penitentiary. We think, taking into consideration the amount of the bond that is required of him, the amount of labor that he performs, the responsibility that rests upon him, and the danger attending the position that he occupies, justice would require that he be placed on the same footing that the principals of the asylums are; that he not only live in the institution, but that himself and family be subsisted by the State in addition to his present compensation.

We recommend an increase in the pay of the guards to forty-five dollars per month. Men fit for the place cannot be had or long retained for less money. It requires men not only of *nerve* but of character for this position.

All of which is respectfully submitted for your consideration.

D. P. STUBBS,
R. S. FINKBINE, } Committee.
J. H. BROWN,

DES MOINES, Feb. 18th, 1864.

On motion of Senator Brayton the report was placed on file and ordered printed.

By consent, Senator Brayton, from Committee on Elections, submitted the following report:

MR. PRESIDENT:—The Committee on Elections, to whom were referred Senate File Nos. 134 and 135, have instructed me to report the accompanying substitute for the same to the Senate, and recommend its passage.

J. M. BRAYTON, Chairman.

Senator Burdick moved that when the Senate adjourn it adjourn till Tuesday, February 23d, at 10 o'clock A. M.

The motion prevailed.

Senator Patterson, from Committee on Township and County Organization, submitted the following report:

Your Committee on Township and County Organization, to whom was referred Senate File Nos. 28 and 57, have had the same under consideration, and agreed to the following amendment to Senate File No. 28; and said committee being equally divided as to the merits of said bills, have directed me to report them back, and ask that the committee be discharged from further consideration of the subject of said bills.

J. G. PATTERSON, Chairman.

Senator Udell, by consent, called up Joint Resolution in reference to the distribution of the reports of the State Agricultural Society, and on motion, the resolution was adopted.

By consent, Senator Clark, from Committee on University and University Lands, submitted the following report:

MR. PRESIDENT:—Your Committee on University and University Lands, have had under consideration Senate File No. 113: A Bill for an act authorizing the Trustees of the State University to sell the Saline Lands, and for other purposes, and direct me to report the same back without amendment and recommend its passage.

E. CLARK, Chairman of Committee.

On motion of Senator Burdick the rules were suspended, and the reports of committees called for.

REPORTS OF COMMITTEES.

By Senator Burdick, from Judiciary Committee, the following report:

MR. PRESIDENT:—The Committee on the Judiciary to whom was referred Senate File No. 143: “A Bill for an act further defining the powers and duties of the Register of the State Land Office,” have instructed me to report the same back to the Senate without amendment and recommend its passage.

M. V. BURDICK.

By Senator McCrary, of Lee, from same committee, the following report:

MR. PRESIDENT:—The Committee on Judiciary have instructed me to submit the following report:

1. Your Committee have had under consideration House File No. 74: A Bill for an act to amend chapter 57 of the Revision of 1860, and have instructed me to report the same back and recommend its passage.

2. Also Senate File No. 100: A Bill for an Act to amend section 1, chapter 154 of the acts of the Ninth General Assembly, and

have instructed me to report the same back and recommend its passage.

3. Also House File No. 71 : A Bill for an act to amend section 4145 and section 4147 of the Revision of 1860, and have instructed me to report the same back and recommend its passage.

4. Also Senate File No. 118 : A Bill for an Act in relation to the execution and recording of instruments requiring revenue stamps, and have instructed me to report the same back and recommend the adoption of a new section which is added to the substitute as section 3, and thus amended we recommend the adoption and passage of the substitute.

Also Senate File No. 116 : A Bill for an act in relation to the guardianship of minors, and have instructed me to report the same back and recommend its passage.

G. W. McCRARY, Chairman.

By Senator Burdick, from same committee, the following report:

The Judiciary Committee, to whom was referred the communication of O. P. Reeves, on " Standing Evils," have had the same under consideration, and have instructed me to report the same to the Senate, with the statement that the committee have failed to find any statute law applicable to the case suggested in the communication, but that the question as to whether there is a necessity for such a law, is one that could better be answered by another and more appropriate committee, and therefore they recommend the reference of the communication to the Committee on Commerce.

By consent, Mr. McCrary ,of Lee, from the Committee of Conference between the two Houses in relation to Senate File No. 52: A Bill for an Act appropriating money for the State Library, submitted the following report:

MR. PRESIDENT:—The Joint Committee of Conference upon the difference between the two Houses in relation to Senate File No. 52: A Bill for an Act appropriating money for the State Library, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that the Senate recede from its refusal to adopt the House amendments, and that the amendments of the House be concurred in.

GEO. W. McCRARY,
Ch'n of Senate Com.

By Mr. Bassett, from Committee' on Ways and Means, the following majority report:

The Committee on Ways and Means, to whom was referred Senate File No. 106, having given the same a careful consideration, have instructed me to report that, in the opinion of the Committee, it would be incompatible with the interest of the State to make the purchase therein contemplated ; the Committee therefore recommend that the bill be indefinitely postponed.

G. W. BASSETT, of the Com.

By Senator Foote, from same Committee, the following minority report:

MINORITY REPORT.

The undersigned of the Committee of Ways and Means, to whom was referred S. F. No. 106: A Bill for an Act to provide for the purchase of the building used as a Capitol, and the lots on which the same is situated, and to secure the School Fund, and for other purposes, would respectfully make the following minority report:

We find a very full and plain statement of the condition and value of the securities on the notes given by the parties named in the bill, known as the "Capitol Building Association," in a report made to the Senate of the Ninth General Assembly, by Hon. Jas. Redfield, chairman of the Committee on Schools and University, which is found in the appendix, page 605, of the Senate Journal of that session. That report fully corroborates the statement set forth in the preamble in the bill. In our opinion the only question then that comes before your committee is, what course do we recommend the State to pursue in the collection of the said notes, by which she will suffer the least loss?

It will be perceived from that report, should the State proceed to collect the notes by law, and exhaust the small amount of the securities, it probably would be all that she would realize on them as the notes were given by the parties in their individual capacity, and not in the corporate name of the association, and those of them that are now stockholders, are insolvent.

But should this bill pass, and the State get a good title to the Capitol building and lots, she would be getting the proceeds of nearly if not quite all of the money borrowed by the said parties of J. D. Eads from the School Fund.

Taking also into account the expense of time and money, in the collection of the notes, we are led to believe that the State would suffer the least loss, by giving up the notes and securities and taking the title to the Capitol building and lots.

We therefore would recommend the following amendment: Strike out all between the word "whereas" in the twenty-fifth line and "a majority" in the twenty-sixth line, and so amended recommend its passage.

JOHN G. FOOTE.

N. UDELL.

By Senator Foote, from same committee, the following report:

The Committee on Ways and Means to whom was referred substitute for H. F. No. 91, "A Bill for an act authorizing and requiring the several County Treasurers in this State to invest certain moneys of this State in United States Revenue Stamps, and regulating the sale thereof," have considered the same, and have instructed me to recommend its indefinite postponement.

The committee to whom was referred a Joint Resolution authorizing the Auditor to collect notes and mortgages taken by Jas. D. Eads, have considered the same, and have instructed me to recommend an amendment by adding after the word "required," "with the advice and assistance of the Attorney-General," and so amended, recommend its passage.

The Committee to whom was referred Senate File No. 101, "A Bill for an act to provide for the redemption of War and Defense Fund Warrants, and for appointing a Commissioner to settle claims against the United States, and fixing his compensation," have had the same under consideration, and have instructed me to report the annexed substitute and recommend its passage.

JOHN G. FOOTE, Chairman.

By Mr. Clarkson, from Committee on Agriculture, the following report:

The Committee on Agriculture, to whom was referred Senate File No. 90, "An Act regulating the construction of mill-dams, and to facilitate the passage of fish up the rivers and other streams of the State."

And also, a petition of Andrew P. Thompson, and other citizens of Fayette county, upon the same subject.

We have had the bill and petition under consideration, and the committee have directed me to report them back, with a recommendation that the subject be indefinitely postponed.

Also, substitute for House File No. 6, "A Bill for An Act empowering counties to offer bounties on scalps of wild animals," have had the same under consideration, and having made two radical amendments, the committee have directed me to report the bill back, and as amended, recommend that the bill pass.

C. F. CLARKSON, Chairman.

By Senator Dixon, from Committee on Claims, the following report:

The Committee on Claims would respectfully report to the Senate that they have examined House File No. 80: A Bill providing for the allowance of the claim of J. L. Mason for subsisting volunteers for Col. Moore's border regiment, and would recommend that the Bill do pass.

By Senator Burdick, from Committee on Public Lands, the following report:

MR. PRESIDENT:—The Committee on Public Lands to whom was referred Senate File No. 107: A Bill for an Act authorizing the Governor to release land erroneously approved to the State, have had the same under consideration, and have instructed me to return the same back without amendment and recommend its passage.

M. V. BURDICK, Chairman.

By Senator Parvin, from Committee on Enrolled Bills, the following report:

The Committee on Enrolled Bills report that they have exam-

ined S. F. No. 18: A Bill for an Act to increase the number of the Judges of the Supreme Court, and for other purposes; also, Concurrent Resolution to print additional copies of the report of the Insane Hospital; also, Concurrent Resolution concerning disabled officers and soldiers—and find the same correctly enrolled.

J. A. PARVIN, Chairman.

On motion of Mr. McCrary, of Lee, the Senate took up the Messages from the House:

Joint Resolution of House asking extension of time in which to erect Agricultural Colleges, was taken up, read a first and second time, and referred to Committee on Agriculture.

Joint Resolution of House in reference to rebel land owners, was taken up, read a first and second time, and referred to Committee on Federal Relations.

Joint Resolution of the House in reference to the First Iowa Cavalry, was taken up, read a first and second time, and referred to Committee on Military Affairs.

Joint Resolution of House:

Resolved by the House of Representatives, the Senate concurring,
That the Capital Post-Office shall be kept open (for the reception of mail matter,) from 8 o'clock, A. M., until half-past seven o'clock, P. M., on each day of the week except Sabbath, on which day it shall be kept open from eight until ten o'clock, A. M., and from two until four o'clock, P. M.

Was taken up and adopted.

Senate File No. 70: A Bill for an Act entitled "An Act for the relief of certain citizens of Keokuk county," was taken up, read a first and second time, and referred to Committee on Claims.

House File No. 86: A bill for an Act providing for recording U. S. Revenue Stamps attached to instruments of writing, was taken up, read a first and second time, and referred to Judiciary Committee.

House File No. 90: A Bill for an Act to abolish the Board of Education of the State of Iowa, to provide for the election of a Superintendent of Public Instruction, and for other purposes, was taken up, read a first and second time, and referred to Committee on Schools.

On motion of Senator Stubbs, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, February 23d, 1864.

Senate convened at 10 o'clock, A. M.

Prayer was offered by Senator Brunson.

The journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Knoll: In reference to repeal of Prohibitory Liquor Law, and the passage of a license law. Referred to Special Committee on Liquor Law.

By Senator Brayton: In reference to same subject.

By Senator McJunkin, In reference to same subject. Referred to same Committee.

By Senator Saunders: In reference to abolishing the August term of the District Court in Scott county. Referred to Committee on Judicial Districts.

By consent, Senator Saunders introduced Senate File No. 160: A Bill for an Act to amend an Act to change and fix the time of holding Court in the 7th Judicial District. The Bill was read a first and second time, and referred to Committee on Judicial Districts.

By Senator Cutts: A petition in reference to the restraining of stock from running at large during the night time. Referred to Committee on Agriculture.

By Senator Clark: A claim of Finkbine & Lovelace for balance due on contract for enclosing Blind Asylum building, at Vinton. Referred to Committee on Claims.

By Senator Hunt: Petition of the town council of McGregor in reference to the annexation of contiguous territory to cities and towns. Referred to Committee on Judiciary.

Also, in reference to providing poor children with school books. Referred to Committee on Schools.

On motion of Senator Hunt, Senators Woolson and McCrary of Lee were added to the special committee, of which Senator Knoll is chairman.

INTRODUCTION OF BILLS.

By Senator Parvin, Senate File No. 161: A Bill for an Act to authorize the construction of railroad bridges across the Mississippi River. Read a first and second time and referred to Committee on Railroads.

By Senator Hatch, Senate File No. 162: A Bill for an Act changing the times of holding Courts in the Fifth Judicial District. The Bill was read a first and second time, and, on motion of Senator Hatch, the 11th rule was suspended and the Bill read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer,

Hesser, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—40.

The nays were Senator Ross—1.

Bill passed and title agreed to.

By Senator Moore, S. F. No. 163: A Bill for an Act to organize and discipline the militia. The Bill was read a first and second time and referred to the Committee on Military Affairs.

By Senator Hart, S. F. No. 164: A Bill for an Act authorizing Academic institutions to grant certificates to school teachers. The Bill was read a first and second time and referred to Committee on Schools.

By Mr. Hillyer, S. F. No. 165: A Bill for an Act to fix the punishment for the crime of Sodomy. The Bill was read a first and second time, and referred to Judiciary Committee.

By Senator Woolson, Senate File No. 166: A Bill for an Act to amend section 3305 of the Revision of 1860, in relation to exemptions from executions. The Bill was read a first and second time, and referred to the Judiciary Committee.

By consent, Mr. McCrary, of Lee, presented the following communication from Mrs. Wittenmyer:

SPECIAL REPORT.

To the General Assembly of Iowa:

The resolution of inquiry, relating to Sanitary matters, which passed the House, and the Governor's special message on that subject, which is now before you for your consideration, has come under my observation; and as the Governor is unable to answer the questions proposed to him by the House, and as I believe that the publication of such questions, *unless accompanied by fair and truthful answers*, would be highly prejudicial to the Sanitary interests of the State, and discreditable to all parties, and as I am able to give full and satisfactory answers to the questions asked by the House, I beg leave to submit replies to the aforesaid questions, and I herewith transmit to you papers and vouchers attesting the veracity of my statements.

“First: What person or persons other than Mrs. Annie Wittenmyer, were by my predecessor appointed Sanitary agents under the provisions of Chapter 36, Acts of the Special Session of the Ninth General Assembly?”

“Second: What sum or sums of money were, by my predecessor, furnished to Mrs. Annie Wittenmyer, and what sum, if any, to each other agent under the provisions of the 3d Section of said Chapter, and how much of said money was expended by said agent?”

“Third: Whether the “needed articles” therewith purchased

were furnished gratuitously to the sick and wounded soldiers in the field, or whether such articles were sold to such soldiers, and if so, what disposition was made of the proceeds of said sales?"

"Fourth: What sum or sums of money have been paid by me, or my predecessor, to Mrs. Annie Wittenmyer, and to each of the other agents, under the provisions of the 6th section of said chapter, keeping *separate* and *distinct* the amount paid as 'just and reasonable compensation,' and the amount paid as traveling expenses?"

"Fifth: Whether 'traveling expenses' as contemplated in said 6th section, included expenses incurred attending Conventions, Fairs, &c., in different places in the United States, or only those incurred in going to, remaining in, and returning from the fields or hospitals?"

In reply to your *first* question, I have to state that *three* other agents besides myself have been appointed by Governor Kirkwood, under the provisions of "chapter 36, Act special session of the 9th General Assembly."

Dr. Ennis, of Lyons, who served the State a little less than three months, at a salary of one hundred dollars per month.

Mr. John Clark, of Cedar Rapids, who served the State for about the same length of time, for which he made *no charge*.

Dr. Maxwell, of Davenport, who was in the service of the State seven months and a half, (see accompanying telegram,) for which he received as compensation one hundred and forty dollars per month.

As regards the nature and value of their services, I refer you to my report now in the hands of your Committee. For an exhibit of the traveling and personal expenses incurred by these gentlemen, I refer you to the Governor's account in the Auditor's office. No other person or persons have been appointed under the provisions of the aforesaid Act.

In answer to your *second* question, I have to state that on the order of Governor Kirkwood, Col. J. C. Todd bought, at Davenport, March 7th, 1863, about two hundred bushels of potatoes, and forwarded them to me. *They were distributed gratuitously* to the army at Young's Point and Milliken's Bend. I refer you to the accompanying telegram from J. C. Todd, and receipts from the United States and Western Sanitary Commissions. (See statement "A.")

I am not aware that any other supplies have been purchased during the entire year, *with State funds*, as contemplated in the 3d section of the aforesaid Act. I believe that those two hundred bushels of potatoes, which cost the State about one hundred and fifty dollars, (\$150) is the whole amount of supplies furnished by the State of Iowa to our soldiers in the field.

In January, 1863, about the time that General Sherman was repulsed at Vicksburg,—a time of great destitution and suffering in

the army—at a time when there were but few sanitary supplies being sent from the State, at the *request*, and for the *relief* of some of the Iowa regiments, *I bought with my own money* (or money for which I was charged by the State,) about three hundred dollars' worth of supplies and antiscorbutics for their accommodation. They were furnished at *cost prices*, and paid for out of their *company saving fund*. Owing to the terrible battle at Chickasaw Bayou, and the great destitution and suffering among the troops, a considerable amount was used for the relief of the wounded, and I lost money; but I regard it as one of the most *purely generous and unselfish efforts of my life*, and heartily believing, as I do, that many valuable lives were saved by this measure, I am satisfied with the result. For the correctness of my statements I refer you to the accompanying official statement of Governor Kirkwood. (See statement "B.")

As I bought the supplies with my own money, and took them to the army at the risk of my life, and let them have them at *cost*, and the *sick*, *without charge—there were no proceeds!* Having fully answered your *third question*, in the foregoing statements, I pass to the

"*Fourth:*" In reply to which I will be permitted to state, that the first eighteen months of my time, after the commencement of the war, was given to this cause *without charge*, and at considerable *pecuniary and great personal sacrifice*. My first journeys to the army were made at *my own expense*; after which, for a year, the Keokuk Aid Society sustained me most nobly, with the aid of two hundred dollars from the State fund. I did not receive one cent of money from the State until August 1, 1862. My expenses from August 1, 1862, to September 25, 1862, were eighty-three dollars and thirty cents. (See my report and statement Executive office.) My expenses from September 25, 1862, to January 18, 1864, (not including transportation, which was furnished me by the U. S. Government,) amounted to one-thousand and ninety-seven dollars and fifty-eight cents (\$1,097.58). This amount includes, besides my own personal expenses, the stationery and postage used during the entire year, and the cost involved in taking a large number of female nurses to the army. I herewith transmit to you a detailed statement of my daily expenses for the entire time. (See statement "C" and vouchers.)

For the last fifteen months and a half, I received on settlement, as salary, one hundred dollars per month, making fifteen hundred and fifty dollars. (See Governor's statement and my report.) By authority of the Governor, I paid out for office expenses and clerk hire, at St. Louis and Vicksburg, three hundred and eighty-four dollars and forty-four cents. I herewith transmit to you a detailed statement (see statement "D" and vouchers). To Miss M. E. Shelton, one hundred and thirteen dollars and forty-five cents. See accompanying detailed statement (statement "E"). To Wil-

liam Milne, one hundred and seven dollars; see accompanying voucher. To Dr. Maxwell, one hundred and seventy-five dollars (see Governor Kirkwood's statement).

RECAPITULATION.

Whole amount of expenses from Aug. 1, 1862, to Jan. 13, 1864, including stationery and postage, expense of nurses through a period of seventeen months and a half—total, \$1,180.88.

On order of the Governor: office expenses and

clerk hire..... \$384 44

Miss M. E. Shelton..... 113 45

William Milne..... 107 00

Dr. Maxwell..... 175 00

Total 779 89

Whole amount paid out..... 1,960 77

Whole amount paid me by the State..... 1,850 00

Balance due on settlement, (paid)..... 110 77

1,960 77

Salary 1,550 00

Making the sum total, for *all* the agents, &c., and expended by the State, under the Sanitary Act, less than \$5,868.

I deem it proper in this connection, to state that the United States Government has done nearly twice as much to sustain the sanitary interests of the State of Iowa, as has been done by our State Government. During the last fifteen months, the Government has given me cotton to the value of five thousand dollars (see report), and transportation on one hundred thousand dollars' worth of goods, which, considering the long distance for which transportation was demanded, could not have been less than two thousand dollars more. Transportation furnished to agents and nurses, and the services of detailed soldiers, cannot fall short of two thousand, making a total of about \$9,000.

I am safe in saying, that no State in the Union has done so much for their soldiers at so little cost. The people have given liberally, and a few have borne the burden of responsibility.

Your *fifth* question is not difficult to answer. I am *positively* certain that no Sanitary Agent appointed under the provisions of the aforesaid Act, *while holding such appointment*, ever attended any Fair, or Convention, &c., "in different places in the United States," *except myself*. And I would respectfully inform your honorable body, that my attendance upon those benevolent enterprises has not cost the State *anything*.

I refer you to accompanying detailed account of my expenses.
[See Statement C.]

Our troops have fought their way to such long distances into

the enemy's country, that a trip through the army involves the travel of about three thousand miles. Owing to the importance of keeping up the interests of the Aid Societies in the State, and the business growing out of this relation, I have been obliged to travel during my term of service for the State, under the Sanitary Act, about thirty thousand miles.

The results have justified the wisdom of this course.

Of the funds received by me from the *Aid Societies of the State*, I have still in my hands over nineteen hundred dollars. [See Report.] I herewith send *vouchers for all money expended*, and *certificates of deposit* showing the security of the funds in my hands.

All of which is respectfully submitted.

I am, very respectfully,

Your obedient servant,

ANNIE WITTENMYER.

Referred to Committee on Printing.

By Senator Patterson, S. F. No. 167: A Bill for an Act to provide for annual settlements by executors. The Bill was read a first and second time and referred to the Judiciary Committee.

The Chair announced that the hour had arrived for the consideration of special order—S. F. No. 60: A Bill for an Act to amend Chapter 172 of the Acts of the Ninth General Assembly of the State of Iowa, entitled "an Act to amend and consolidate an Act passed by the Board of Education, December 24, 1859, entitled an Act to amend an Act entitled an Act to provide a system of common schools, and the amendments thereto."

Senator Burdick moved to strike out of the seventh line of Section 6, the words "three hundred" and insert the words "two hundred and fifty."

The motion was lost.

By consent, Senator Moore moved that when the Senate adjourn it adjourn till 10 o'clock A. M. to-morrow.

The motion was adopted.

Senator Wharton moved to amend by striking out the whole of Section 6.

On this motion, Senator Wharton called the yeas and nays.

The yeas were, Senators Bridges, Clarkson, Udell, and Wharton —4.

The nays were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Woolson, and Young —87.

The amendment was not adopted.

Senator Henderson moved to amend Section 7 by adding the

words: "and publish the whole or an abstract thereof, with such suggestions as he shall deem of public interest, in some newspaper if any in his county, provided it can be done without expense to the county or Superintendent."

The amendment was adopted.

Leave of absence was granted to Senator Brown.

Senator Henderson offered the following as an additional section:

Sec. 8. If any Superintendent shall neglect or refuse to faithfully discharge the duties required of him by this Act, it shall be competent for the Board of Supervisors to remove him from office, the vacancy thereby occurring to be filled as provided by law.

On motion of Senator Udell, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, February 24th, 1864.

Senate convened at 10 o'clock A. M..

Prayer was offered by the Rev. Mr. McCague.

The Journal of yesterday was read and approved.

Leave of absence was granted to Senators Young, Clarkson, and McMillan.

PETITIONS AND MEMORIALS.

By Senator Wharton: In reference to transportation of grain by railroads. Referred to Special Committee, of which Senator Cutts is chairman.

By Senator Burdick: Asking for an Act prohibiting obstructions to the passage of fish in streams of this State. Referred to Committee on Agriculture.

By Senator Hart: In reference to the repeal of the "Prohibitory Liquor Law," and the passage of a license law. Referred to Special Committee on Liquor Law.

Senator Knoll moved that Senators Cutler and Hunt be added to the Special Committee on Liquor Law, of which Senator Burdick is chairman.

On this motion, Senator Knoll called for the yeas and nays.

The yeas were, Senators Burdick, Boardman, Crookham, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hesser, Hunt, Hatch, Knoll, McJunkin, Roberts, and Udell—15.

The nays were, Senators Bassett, Brunson, Brayton, Bridges, Cutler, Clark, Cutts, Hurley, Hillyer, Hunt, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patteson, Parvin, Ross, Saunders, Stubbs, Shippen, Wharton, and Woolson

The motion was lost.

By Senator Moore: A petition of John W. Ellis, Amos Steckle, and 50 others, for the protection of sheep from the ravages of dogs. Referred to Committee on Agriculture.

By consent, Senator Woolson, from Special Committee on Des Moines River Lands, submitted the following report, together with S. F. No. 168: A Bill for an Act to resume certain lands, interests, rights, powers, and privileges granted to the State of Iowa by the United States, and by the State of Iowa conditionally conferred upon certain Railroad Companies, and for disposing of the same when so resumed :

The select committee to whom was referred the subject of Des Moines River Lands, and the propriety of the resumption thereof by the State from the grants to certain Railroads, have had the whole matter under consideration, and a majority of such committee beg leave upon that subject to report :—

That we regard the subject one of great difficulty, and of equally great importance. It is so complicated by conflicting interests that we cannot hope to arrive at perfect justice, nor even to fully satisfy ourselves that what we may recommend shall be the best possible course, but we have entered upon the investigation with the desire, and pursued it with the intention of arriving according to the best light, we could obtain at the nearest possible approach to justice, attainable from the evidence within our reach. As the result of our investigations we present you the following :

We find that upon the 14th day of July, 1856, the State of Iowa supposed it possessed under the grant from Congress of August 8th, 1846, the lands known as the Des Moines River Lands, being the sections designated by odd numbers on each side of the Des Moines river above the Raccoon Fork within five miles of said river, and extending north to the north bounds of the State ; and that the State continued to so suppose until after the first of April, 1860, as evidenced by all the acts of said State through her officers and the Legislature ; for the facts on which such finding is based, in part, we refer to the reports of the majority and minority of a select committee of this body, found on pages 326 to 350, inclusive of the Senate Journal of 1862 ; and the Report of the Register of the Land Office, dated Nov. 16, 1863.

That Congress having by an act of the 15th of May, 1856, granted to this State, the lands designated by odd numbered sections extending in four lines across the State, for the purpose of assisting in constructing four such Railroads, this State did, by its act of July 14, 1856, grant upon certain conditions the lands so received from Congress ; that three of these four lines of Railroad crossed these Des Moines River Lands above the Raccoon Fork, and thus intersected the grant made for the Des Moines River Improvement, as then understood by the State, and the Railroad Companies. But your committee believe that no thought arose in the minds of the

Legislators who made the grant of July 14, 1856, or in that of the Railroad Companies that the last named grant would in any manner interfere with the ownership of the Des Moines River lands then claimed by the State, or which the State had previously thereto sold to individuals who held her conveyances therefor.

That the State never had any interest in any of these lands up to this time except as a trustee for certain specified purposes ; that she had always maintained in all her dealings concerning them her fiduciary character, which was equally well understood.

That, of the lands above the Raccoon Forks, she sold prior to 1859, about 271,000 acres, including what she authorized Governor Lowe to quitclaim to the Des Moines Navigation and Railroad Company, all of which was done while her authorities had no doubt of her right to so sell, and before any claim had been put forth by any of the Railroad Companies to question her title to the Des Moines land.

That in 1859, a made case was presented to the Supreme Court of the United States, between a representative of the Des Moines N. & R. R. Co., and one representing the opposing interest to test the question in that tribunal whether the grant of August 8, 1846, extended further up the Des Moines river than the Raccoon Forks. We are not fully advised how the suit was got up, but presume it to have been in good faith and properly presented. The result was that that eminent tribunal decided that such grant did not extend above such Forks, and the consequence followed that the State never had any title above the Forks, and thus all her conveyances for lands above that point were invalid ; that they could convey nothing, as she had nothing to convey.

That then, as the grant of July 14, 1856, to the Railroad Companies was without restriction as to those lands, but on the contrary embraced these very lands in the express terms of the grant, the Railroad Companies now saw that it might be made to inure to their advantage, as their claim would be paramount to any other. Accordingly they have severally made such claim and pressed it with great pertinacity, causing much trouble, distress, and consternation among those honest, hard-working men who are *bona-fide* purchasers from the State, which has seriously threatened for a time to bring on civil war in the heart of our State.

Now we believe this claim on the part of these Companies was an after-thought ; that up to the time of such suit they had acquiesced in the State's claim, and at the time of accepting the grant had not the most remote conception of making such a claim. They must have done so if they were honorable men, because it would have been dishonorable in the highest degree, knowing as they well did, that the State had sold for cash many of those lands to individuals who had moved on to them and were then making farms, and thereon investing their all. It would have been impossible for an honorable man to have known all this, and concealed his advan-

tage in the grant, with the intention of subsequently either depriving the settler of his farm when improved, or of demanding of the State the value of these lands, when he was the recipient of the State's bounty in securing the other lands on the route.

We thus see that there is a direct conflict between claimants to these Des Moines River lands—both grantees of the State—the settlers claiming them by conveyances made by the State when it had no title, but which it and its grantees both then supposed it had—the Railroad Companies claiming them by conveyances made by the State, when neither the State nor the Railroad Companies dreamed it was conveying, or they receiving, these lands.

Now, good faith on the part of the State requires its grantees, who bought in good faith and paid full value for these lands, should be protected, not only in the amount paid for the original purchase, but for all their improvements; and we have no hesitation in saying it must be done. But shall we pay for these lands and improvements which we estimate would amount to a half million of dollars and over, and let these Railroad Companies have the benefit of such lands and improvements, when, as before said, they did not expect to get a dollar of it when they accepted the grant? In other words, shall this State not only give the Roads the lands they supposed they were getting when they accepted the grant, and in addition to such lands also give them a half million of dollars out of the Treasury? We unhesitatingly answer, that every consideration of honesty, fairness and justice forbids it, if in our power to legally prevent it. The undersigned are of the opinion the State has now that power.

By the act of July 14, 1858, granting these lands to the several lines of Railroad, the express condition was made that if the said Companies failed in completing a certain distance of their several roads by certain specified times, the State should have power "to resume all the rights conferred by that act when the Company so failing, and to resume all rights to the lands hereby granted and remaining undisposed of by the Company so failing to have the length of road completed in manner and time as aforesaid." And in another act approved March 26th, 1860, granting to the Cedar Rapids & Missouri River Railroad Company a portion of these lands, (which had been resumed from the Iowa Central Air Line Railroad Company because of its having before that time made default,) a similar condition was inserted; so that if those Companies or any of them are in default, the State has the power to resume.

As to the facts of the several Companies being in default we refer to the Special Message of the Governor to the House of Representatives, doted the 2d instant, in which is shown that each and all of the said Companies are in default under the conditions of the grant. Indeed there has been no pretension before your committee that either of the said Companies had built the amount of road required by the acts granting the lands, one of course all, as a mat-

ter of course, are obliged to admit the breach of the conditions of the grant. It is true the Cedar Rapids & Missouri River Railroad Company insist that it has made default in but the completion of eight miles of the required distance, and that inclemency of weather hindered the completion of that ; and we are glad to be able to say that we believe this Company has pushed forward their work with much vigor, and present a marked contrast with the other lines which have really done nothing worthy of notice for the last two years ; but the fact remains as well against the Cedar Rapids Road as against the others, that it is in default, which of itself empowers the State to resume the lands.

We do not hesitate to say that the naked fact of the Companies not having fully complied with the conditions of the grants, would not induce us to exercise the power of resumption. On the contrary, we say that in consideration of the recent financial difficulties, the scarcity of labor, the extreme high price of both labor and material, we could not have expected the several Companies to so successfully carry on their work as was anticipated when the grants were made ; and we should, if there was no other reason, unhesitatingly declare in favor of extending to them any reasonable indulgence ; and we would now only exercise the power of *resumption*, solely for the purpose of first righting the wrong to the settlers on these Des Moines river lands, and other interests involved therein, and then conveying the remaining lands back to the same Companies on as favorable terms as they have heretofore held them, giving them, as much as in our power, sufficient time to complete their roads from this time. To extend to them all the time they will require, it will be necessary that Congress should extend the time to the State ; and we present a memorial to Congress asking such extension, and recommend its adoption by the General Assembly.

It will be seen above that we recommend the use of the *legal* power of the State, to do equity, because no other means are within its reach to effect this object. It may be asked if a release by the railroad companies, of these lands to the State, would not effect the end sought ? We reply, it certainly would, if the companies have not already incumbered their interest in these lands by mortgage, judgment or otherwise ; but whether such incumbrances exist, it is not now worth while to inquire, as the fact that these companies have steadily refused to *offer* even to do any act which would be a step towards the settlement of the difficulties. Two years ago the General Assembly magnanimously proposed to extend the time to the Dubuque & Sioux City R. R. Company, the successor of the Dubuque and Pacific, one year, on condition that that Company should release its claim to the disputed lands within the limits of its grant, and this was done at the earnest solicitation of the managers of that Road and its friends, as a substitute for the Act of Resumption, a bill for which was then pending. (See

Acts of the Ninth General Assembly, Chap. 153, page 177.) But such company having thus secured the extension of time for the performance of its work, totally neglected, up to the sitting of this General Assembly, to do any act towards performing its part of the contract.

The action of that General Assembly in thus agreeing with the Dubuque & Sioux City Company, in granting the indulgence which was undeserved, for the sake of the release of the claim of the Railroad Company upon these disputed lands, was certainly sufficient to plainly indicate to the other companies, the willingness on the part of the State to enter into any reasonable arrangement for the settlement of these disputes, yet no approach by either of the other Companies has ever been made for such a settlement. We are, therefore, driven to the conclusion that there is no hope for any arrangement except such as the power of the State shall extort.

The question will arise, what effect will resumption have upon the title to these disputed lands, when they shall be resumed by the State? We answer that the title will be then unconditionally in the State. It is true the grant of May 15, 1856, by Congress, was a trust only; and although the State then held the lands, it was for a specific object as a trust. It had no beneficial interest in it, and could not convey other than what it then had. But after the decision of the Supreme Court of the United States, Congress hastened to remedy the evil to the utmost of its power, and on the 3d of March, 1861, released *all title* which the United States retained in all these Des Moines lands to the State. And again, to make assurance doubly sure Congress, by an act approved July 12, 1862, again conveyed to the State all these lands with others, with the avowed and explicitly expressed purpose of settling up this dispute. These acts, of course, vested the State with all the remaining interest of the United States in them, and by a familiar principle of law, the trust before then held by the State, was merged in the full title, leaving out of the State only the interest granted to these companies. So that default having been made by the beneficiaries of the trust, by which the State was authorized to withdraw it, and it being so withdrawn, it will be as fully vested in the State as it would have vested in the United States if it had reverted on the breach of the conditions of the original grant.

Again it will be asked, if upon the title becoming perfect in the State, it will not inure to the benefit of its grantees, to-wit the individual purchasers, and the Demoine Navigation & Rail Road Company? We answer that it will not necessarily do so; except by our statute, a subsequently acquired title could only inure to the benefit of the former grantee, when that former grant was by a warranty of title. By our statute, section 2210, Revision 1860, that rule is changed, so far as to provide that any subsequently acquired title should inure to the former grantee to the extent of

title purporting to be conveyed by the former grant. But even under this statute, no title to the lands conveyed to the Des Moines Navigation & Railroad Company, by the conveyance made by Governor Lowe, (the conveyance dated March 18, 1858,—see Register's Report, 1863, page 29,) would inure, as we believe, to such Company, by reason of any after acquired title; because the authority for such conveyance was contained in the Joint Resolution of the General Assembly, approved the 22d March, 1858, and that resolution, even if it had the force of law, which is questioned, only authorized the Governor to convey to said Company the right to all the lands granted by the Act of August 8, 1846, (the Act making the Des Moines River grant,) "as fully as the State could have under said grant." Now if the State then had *no* right to those lands as the Supreme Court of the United States say it did not have, then of course it could not convey the fee, and although the conveyance made by Governor Lowe expresses a conveyance in *fee simple*, it is clear he thus far exceeded his authority, and all such excess must be void. The Company was bound to know and did know what the Agent's authority was, and of course can claim no more than such authority would give. It could get, then, no more than a bare quitclaim, and as such, Governor Lowe's deed could only operate; and as such, that Company will take nothing by the title to these lands now becoming perfect in the State.

There is some difference of opinion between the undersigned as to the minor details, after resumption has been accomplished, but we have agreed to present to the Senate a bill for an Act, which accompanies this report, which substantially embodies our views, reserving to the individual members the liberty of differing on some of the details therein.

It will be seen that we recommend that the Des Moines Navigation & Railroad Company, and its members, shall be excepted from the benefits of the Act. Some of the undersigned believe that Company has already realized out of the proceeds of land sold, more than such Company ever expended for the good of the State. They regard the settlement of matters expressed in the Resolution of March 22, 1858, as having been conceded by the Legislature as a finality, and for the purpose of putting at rest forever, the claims of said Company, and the conveyance then authorized as the price of getting rid of the unpleasant importunities to which successive Legislatures were subjected; and they are unwilling to now recognize any claim by such Company upon either the State or any funds in the hands of the State. They do not consider such Company a *bona fide* purchaser of the lands conveyed by the Governor, by authority of the Resolution of March 22, 1858. They are also informed and believe that a great part of the sales made by said Company since that day, have been made to individuals who were at some time members of said Company. They could not recognize such a transaction as dividing up the lands between the differ-

ent members of the Company as in any sense a sale, and much less can they consider them *bona fide* purchasers. And they, therefore, favor the excluding of both the company and the individual members from the benefits of resumption. But all the undersigned join in the propriety and justice of the State saving all innocent purchasers from said Company from loss, especially such as bought of said Company on the faith of the title purporting to be conveyed by the State.

We present a plan for ascertaining the lands held by *bona fide* purchasers, in the bill reported, thinking the same bill should dispose of the whole matter.

Your committee have no means of ascertaining how much of such land granted to the Companies remains "undisposed of" and do not think it in our province to inquire, nor the effect of an attempt to dispose of those lands situated more than twenty miles west from the points to which their roads were completed, leaving those questions to be settled when they necessarily arise.

All of which is respectfully submitted.

THERON W. WOOLSON,
WM. C. SHIPPEN,
A. H. McCRARY,
J. H. HATCH.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed House substitute for Senate File No. 109: "A Bill for an Act to amend Chapter 51 of Revision of 1860, in relation to incorporation of towns and cities."

Also Senate File No. 36: "A Bill for an Act to amend Chapter 173 of the laws of the 9th General Assembly, in relation to the office of City and Town Assessors."

Also that the House has passed the following resolutions, in which the concurrence of the Senate is asked:

[The resolutions were not furnished the Printer.]

I am also directed to return to the Senate Senate File No. 38: A Bill for an Act fixing the times of holding Courts in the Sixth Judicial District, the same having been indefinitely postponed.

JACOB RICH, Chief Clerk.

Senator Hunt moved that the report and Bill submitted by Senator Woolson be ordered to be printed. The motion was adopted.

On motion of Senator Stubbs 1500 copies of the annual report of the officers of the Asylum for the Blind were ordered printed.

Senator Foote, by consent, called up Senate File No. 137: A Bill for an Act making appropriations for the payment of State and Judicial officers, interest on State bonds and loans, and for other purposes.

On motion the Bill was made the special order for 2 o'clock, P.M.

By consent, Senator Clark called up House substitute for Senate

File No. 109: A Bill for an Act to amend Chapter 51 of the Revision of 1860, in relation to the incorporation of cities and towns.

The bill was read a first and second time and referred to special committee of which Senator Woolson is chairman.

By consent the Senate took up S. F. No. 60 : A Bill for an Act to amend chapter 172 of the acts of the Ninth General Assembly of the State of Iowa, entitled "An act to amend and consolidate an act to amend an act entitled an act to provide a system of common schools and the amendments thereto."

Senator Henderson's amendment, being under the consideration of the Senate at its adjournment yesterday, was first taken up and on motion adopted.

Senator Foote moved to add as

"Sec. 2. Whenever two-thirds of the taxable inhabitants of any neighborhood formed from two or more townships in the same county shall petition the County Superintendent to form them into a sub-district, and shall show to such Superintendent that they cannot be reasonably accommodated with schools unless their petition is granted, said Superintendent shall proceed personally to visit said neighborhood and shall notify the district-townships out of which the proposed sub-district is asked to be formed, of the contents of such petition : and if upon such visit and hearing of the matter he shall be of the opinion that to prevent great injustice it is necessary to form a new sub-district, he shall form it, and deliver a copy of the order constituting it to the secretary of each district-township affected thereby, which order shall also fix the site of the school-house for such sub-district, and such sub-district shall from and after the next annual school-district election, at which a sub-director shall be elected therefor, be a sub-district in the township in which the site for such school-house is situated, for all the purposes mentioned in section 78 of chapter 172 of the Acts of the Ninth General Assembly of this State, and may be dissolved in the same manner."

The amendment was adopted.

Senator Saunders moved to strike out all of section 8.

The amendment was not adopted.

Senator Hunt moved to amend the bill by adding:

"Sec. 3. Should the electors of a sub-district desire to keep up their school for a longer period of time, or to pay a larger compensation for teachers than the Board of Directors have made provision for, they may vote a tax sufficient to continue their school for ten or any less number of months in any one year, and for such additional compensation as they may indicate by a vote of such sub-district ; and the tax so levied upon the taxable property of said sub-district shall be used exclusively for the benefit of such sub-district."

The amendment was adopted.

Senator Patterson moved that the bill and amendments be re-committed to the Committee on Schools.

Senator Wharton moved that the bill be laid upon the table.

On this question Senator Hunt called the yeas and nays.

The yeas were, Senators Bridges, Udell, and Wharton—3.

The nays were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary, of Lee, McCrary, of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—36.

The motion to table was lost.

Senator Brunson moved that the Senate adjourn.

The yeas and nays being called for by Senator Wharton,

The yeas were, Senators Burdick, Brunson, Cutler, Dixon, Henderson, Hesser, Merrill, Patterson, Roberts, Stubbs, and Woolson —12.

The nays were, Bassett, Brayton, Boardman, Brown, Bridges, Crookham, Clark, Cutts, Foote, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary, of Lee, McCrary, of Van Buren, Moore, Parvin, Ross, Saunders, Shippen, Udell, and Wharton—28.

Senator Parvin moved that the bill be engrossed and ordered to be read a third time to-morrow.

Senator Dixon moved that the Senate adjourn.

The motion was lost.

The question now being upon the motion of Senator Parvin, Senator Wharton called the yeas and nays.

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen and Woolson—34.

The nays were, Senators Burdick, Bridges, Hesser, Udell and Wharton—5.

On motion of Senator Hart the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

The special order, Senate File No. 137: A Bill for an Act making appropriations for the payment of State and judicial officers, interest on State bonds and loans, and for others, was taken up.

Senator Hatch moved to strike out, in the third line of Section 2,

the words "fifteen hundred dollars," and insert the words "two thousand." The amendment was not adopted.

The bill was read a third time and on the question "Shall the bill pass?"

The yeas were Senators Bassett, Burdick, Brunson, Brayton, Boardman, Cutler, Clarkson, Crookham, Clark, Catts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson and Young—37.

The nays were, Senator Knoll—1.

Absent and not excused, Senators Bridges and Roberts.

Bill passed and title agreed to.

Leave of absence was granted to Senator Shippen.

REPORTS OF COMMITTEES.

By Mr. McCrary of Lee:

MR. PRESIDENT:—The Committee on the Judiciary have instructed me to submit the following report:

Your Committee have had under consideration Senate File No. 140: A Bill for an Act to amend Section 3719 of the Revision of 1860, and have instructed me to report the same back and recommend that the bill be indefinitely postponed.

Senate File No. 144: A Bill for an Act to repeal section 2624 of Revision of 1860 in relation to the time of holding the terms of the Supreme Court and to provide a substitute therefor, I am instructed to report the same back and recommend that section 1 be amended by striking out "first," in the 11th line, and inserting "second" in lieu thereof, and by striking out "June," in the 12th line, and inserting "July" instead; and thus amended, we recommend the passage of the bill.

GEO. W. McCRARY, Chairman.

By Senator Henderson:

The Committee on the Judiciary to whom was referred S. F. No. 166: A Bill for "An Act to amend Section 3305 of the Revision of 1860 in relation to exemptions from executions," have had the same under consideration and directed me to report the annexed substitute therefor, and recommend the passage of the same.

H. C. HENDERSON, for Judiciary Committee.

By consent, S. F. No. 118, A Bill for An Act in relation to the execution and recording of instruments requiring revenue stamps, was taken up, and recommitted to the Judiciary Committee.

By Senator Foote:

The Committee of Ways and Means, to whom was referred Senate File No. 153: A Bill for an Act to fix compensation of guards of the Iowa Penitentiary, have had the same under consideration,

and have instructed me to recommend the following amendment: To change the pay of each night guard from fifty dollars per month to forty-five dollars per month, and so amended to recommend its passage.

Also Senate File No. 141: "A Bill for an Act to amend Chapter 45 of the Revision of 1860, in relation to revenue, have considered the same, and the majority have instructed me to recommend its passage.

Also Senate File No. 148: A Bill for an Act to amend Chapter 173 of the laws of the 9th General Assembly, have had the same under consideration, and have instructed me to report it back and recommend its indefinite postponement.

Also Senate File No. 111: A Bill for an Act to amend Section 787 of the Revision of 1860, have considered the same, and have instructed me to recommend its indefinite postponement.

JOHN G. FOOTE, Chairman.

By Senator Clarkson from Committee on Agriculture:

The Committee on Agriculture, to whom was referred the memorial of the President and Secretary of the Iowa State Agricultural College, asking for the election of five members of said Board, have directed me to report the accompanying resolution, with a recommendation that the same do pass:

House File No. 61: "A Bill for an act for procuring statistical information with regard to the destruction of sheep," have had the same under consideration, and have unanimously directed me to report it back with a recommendation that it be indefinitely postponed.

Substitute for H. F. No. 38: "A Bill for an Act to prevent fraud by Weighmasters of Public Scales," have examined the same, and they have directed me to report the bill back, and recommend its passage.

C. F. CLARKSON, Chairman.

By consent, the joint resolution for filling vacancies in the Board of Trustees of the Iowa State Agricultural College reported by the committee, was taken up, and on motion of Mr. Udell, the blank therein was filled by the name of Joseph McGowan. The resolution was adopted.

By Senator Boardman: The Committee on Schools, to whom was recommitted Senate File No. 63, beg leave to report back said bill, and recommend that the former report be so amended that the first section of the original bill shall be stricken out, and the following enacted instead thereof:

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be the duty of the several County Treasurers of this State on the first Monday of July and January of each and every year, or within ten days thereafter, to report to the State Auditor and pay over to the State Treasurer all the money belonging to the permanent School Fund, which may be accumulated at

such times and not loaned according to the provisions of the act to which this is an amendment in the same manner as is now required for reporting and paying over other State Funds in the hands of County Treasurers by Section 799 of the Revision of 1860, and under a like penalty for failing so to report and pay over.

Also that the blank in first line of section 2 be filled with "five."

Also that section 23 and section 14 be stricken out, and the following inserted:

SECTION 14. On all loans of the permanent School Fund made after the taking effect of this act, eight per cent. per annum, to be made payable annually, on first day of January, shall be the rate of interest to be charged and collected on such loans.

By Senator Dixon:

Committee on Claims have had under consideration the claim of S. T. Pease, and would report the following resolution, and recommend that it pass.

The Committee have also had under consideration Senate File No. 70: A Bill for an Act for the relief of certain citizens of Keokuk county, and to provide for the claim of John Lardner, and recommend that the amendment made by the House be concurred in by the Senate, and that the Bill do pass.

By Senator Cutts, from Committee on Elections:

The Committee on Elections, to whom was referred Senate File No. 79: "A Bill for an Act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting," have had the same under consideration, and a majority of said Committee have directed me to report the Bill back, and recommend that it be indefinitely postponed.

M. E. CUTTS, for Committee.

By Senator McJunkin:

Your Committee on Incorporations, to whom was referred Senate File No. 120, entitled "A Bill for an Act to exempt farming lands situated within the limits of cities and incorporated towns from taxations for ordinary city and town purposes," have had the same under consideration, and have instructed me to report the same back, amended by filling blank in fourth line of 1st Section with 10, and thus amended recommend its passage.

J. F. MCJUNKIN, Chairman.

By Senator Parvin:

The Committee on Enrolled Bills report that they did, on the 23d inst., present to His Excellency, the Governor, for his signature Senate File No. 18.

J. A. PARVIN, Chairman.

By Senator Hurley:

The Committee on Incorporations to whom was referred Senate File No. 125: "A Bill for an Act authorizing Municipal authorities to provide for expenses of streets, alleys and side-walks," have

had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

By Senator Knoll, from the Special Committee on Mining:

The Special Committee to whom was referred Senate File No. 152: A Bill for an Act to encourage mining in the State of Iowa, have had the same under consideration, and instructed me to report the following as a substitute for the Bill, and recommend its passage.

F. M. KNOLL, Chairman.

By Senator Woolson:

The Select Committee to whom was referred House substitute for Senate File No. 109: An Act to amend Chapter 51 of Revision of 1860, have considered the same, and report the same back, without amendment, with the recommendation that it do pass.

T. W. WOOLSON, Chairman.

On motion of Senator Wooolson the 11th rule was suspended, and House substitute for Senate File No. 109: A Bill for an Act to amend Chapter 51 of the Revision of 1860, was read a third time.

The question now being upon the passage of the Bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—39.

The nays were, none.

Absent and not excused, Senator Clarkson.

Bill passed and title agreed to.

By Senator Hunt:

The Committee on Judicial Districts, to whom was referred Senate File 160, have had the same under consideration, and have instructed me to report the same back to the Senate, recommending its passage.

HUNT, Chairman.

By Senator Cutler:

The Committee to whom was referred House File No. 17: A Bill for an Act for the relief of Catharine Morris, sister of Edward Morris, deceased, have had the same under consideration, and a majority of said Committee have instructed me to report the same back and recommend its passage.

E. CUTLER, Chairman.

BILLS ON THIRD READING.

S. F. No. 20: A Bill for an Act to amend Section 432 of the Revision of 1860, was read a third time, and on the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton,

Boardman, Bridges, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—39.

The nays were, none.

Absent or not excused, Senator Clarkson.

Bill passed and title agreed to.

S. F. No. 25: A Bill for an Act to amend Chapter 29, of the Laws of the 9th General Assembly, was taken up.

On the question, "Shall the Senate concur in the House amendments?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Burn, Moore, Merrill, Patterson, Parvin, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—35

The nays were, Senators Bassett, Hillyer, Knoll, and Ross—4.

Absent without excuse, Senator Roberts.

The amendments were concurred in.

S. F. No. 96: A Bill for an Act supplemental and amendatory to Chapter 58 of the Revision of 1860, was read a third time, and on the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary, of Lee, McCrary, of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Stubbs, Shippen, Udell, Wharton, and Woolson—38.

The yeas were, none.

Absent and not excused, Senators Dixon and Saunders.

Bill passed and title agreed to.

S. F. No. 99: A Bill for an Act for the encouragement of public libraries, was read a third time, and on the question, "Shall the Senate concur in the House amendments?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Gue, Hart, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—36.

The nays were, Senators Burdick and Hillyer—2.

Absent and not excused Senators Dixon and Foote.

The Senate concurred.

House Joint Resolution in reference to the payment of African

soldiers and seamen the same as other soldiers, was read a first and second time and adopted.

REPORTS OF COMMITTEES ON FILE.

S. F. No. 97 : A Bill for an act requiring reports from the Clerks of the several Boards of Supervisors in this State, concerning School Lands, was taken up.

Senator Woolson moved to amend by striking out in the third line of Section 4, the words "for the benefit of the School Fund."

The amendment was adopted.

On motion of Senator Patterson, all after the word "required" in the 3d line of section 6 was stricken out, and the following inserted :

He shall forfeit to the School Fund of said county the sum of twenty-five dollars, to be recovered by civil action in any of the Courts in this State having jurisdiction therof, and proof that the blanks herein referred to were in due and seasonable time deposited in the Post office at Des Moines, properly directed to said Clerk, shall be *prima facie* evidence that said blanks were furnished to said Clerk. The amendment was adopted.

On motion of Senator Stubbs, section 6 was stricken out.

Senator Wharton moved to strike out of Section 8 the words : and "Iowa Instructor" and "School Journal."

The motion was adopted.

Senator Patterson moved that the Bill be made the special order for 2 o'clock P. M. to-morrow.

The motion was lost.

On motion of Senator McCrary of Lee, the Bill was read a third time.

And on the question "Shall the Bill pass ?"

The yeas were Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Rose, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—38.

The nays were, none.

Absent and not excused, Senators Dixon and Roberts.

Bill passed and title agreed to.

On motion, Senate adjourned.

SENATE CHAMBER, }
Des Moines, February 25th, 1864. }

The Senate convened at 10 o'clock A. M.
Prayer was offered by Rev. Mr. McCague.
Journal of yesterday was read and approved.
Leave of absence was granted to Senator Udell.

PETITIONS AND MEMORIALS.

By Senator Hatch, asking the repeal of the Prohibitory Liquor Law and the passage of a License Law. Referred to Special Committee on Liquor Law.

By Senator McCrary of Van Buren: A petition of Martin Kays and others, asking that remuneration be made to said Kays for damages arising from the Des Moines River Improvement. Referred to Special Committee on Des Moines River Land Grant.

By Senator Hillyer: A petition of citizens of Taylor and Union counties asking for a State road. Referred to Committee on Roads.

REPORTS OF COMMITTEES NOT PREVIOUSLY ACTED UPON.

Senate File No. 93: A Bill for an Act to amend Section 711 of the Revision of 1860 in relation to exemption of property from taxation, with substitute reported by the committee, was taken up and the substitute adopted.

The Bill was read a third time, and on the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton, and Woolson—38.

The nays were, none.

Absent and not excused, Senator Henderson.

The Bill passed and its title was agreed to.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed H. F. No. 129: A Bill for an Act fixing the time of holding Court in the Fourth Judicial District, and attaching certain counties in said District to others, for judicial purposes; in which, the concurrence of the Senate is respectfully asked.

Also, Senate File No. 162: A Bill for an Act changing the time

of holding Courts in the Fifth Judicial District, without amendment.

JACOB RICH, Chief Clerk H. R.

House File No. 60: A Bill for an Act to extend the provisions of Article 4, Chapter 54, of the Revision of 1860, so as to apply to the construction of mill races, was taken up and read a third time.

The question now being upon the passage of the Bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton, and Woolson—38.

The nays were, none.

Bill passed and title agreed to.

House File No. 35: A Bill for an Act providing for canvassing the votes for Senators and Representatives in the General Assembly elected by districts composed of more than one county, was taken up and read a third time.

The question being, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—38.

The nays were none.

Bill passed and title agreed to.

Senator Hogin from Committee on Engrossed Bills submitted the following report:

The Committee on Engrossed Bills have examined Senate File No. 60, entitled "A Bill for an Act to amend Chapter 172 of the acts of the Ninth General Assembly of the State of Iowa, entitled "An Act to amend and consolidate an act passed by the Board of Education, December 24, 1859, entitled an act to amend an act entitled an act to provide a system of Common Schools and the amendments thereto," and find it correctly engrossed.

HOGIN.

By consent, Senator Henderson, from Special Committee on Des Moines River Land Grants, submitted the following minority report:

The Special Committee on Des Moines River Lands have had under consideration the question of resuming the railroad grants; and, the undersigned members of said committee being unable to agree with the majority in favor of such resumption, beg leave to submit to the Senate some of the reasons which should, in their

judgment, control the action of the Senate upon the question involved. They would content themselves with merely dissenting, but the importance of the question demands more at their hands.

In 1846, Congress granted to the then territory of Iowa, for the purpose of improving the navigation of the Des Moines River from the mouth to the Raccoon Fork thereof, certain lands lying contiguous to said river.

Afterwards a question arose as to the extent of the grant—the State claiming to the source of the river, and the General Government insisting that it extended only to the Raccoon Fork. Various decisions were made by the administrative and executive officers at Washington, sometimes conceding and sometimes denying the claim of the State. In March, 1856, the Commissioners of the General Land Office decided against the validity of the grant above the Raccoon Fork, which decision was not reversed until after the railroad grant, under act of Congress, approved May 15, 1856. But prior to the decision of the said Commissioner there had been, under a former decision, a portion of the lands above the Raccoon Fork certified to the State under the grant.

A portion of these lands so certified were sold by the State to individuals prior to the railroad grant, and after the last mentioned grant the State conveyed the balance of the certified lands to the Des Moines Navigation and Railroad Company, under a resolution authorizing a settlement with that company. That company had assumed and paid for the State something less than \$400,000, and received from the State a full equivalent therefor in addition to the "river lands" above the Raccoon Fork, included within the railroad grants, and conveyed to that Company by the State.

In May, 1856, and after said last mentioned decision of the Commissioner of the General Land Office, and before it was reversed, Congress granted to the State, for railroad purposes, certain other lands upon conditions specified in the act of Congress, among which was the following: "That the lands hereby granted for and on account of said roads severally, shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatever."

On the 14th of July, 1856, the General Assembly of Iowa accepted the grant "upon the terms, conditions and restrictions" contained in the act of Congress making the grant, as a trust estate, and thereby solemnly plighted the faith of the State to carry out the object for which the same was made—and in the execution of that trust, conferred the "lands, rights, powers and privileges" which said act vested in the State, upon the Dubuque and Sioux City, Iowa Central Air Line, Mississippi and Missouri River, and Burlington and Missouri River Railroad Companies, upon the conditions and restrictions contained in the act of Congress, and cer-

tain other conditions contained in the act of the General Assembly of July 14, 1856.

The 8th section of said act provided that said railroad companies, respectively, should have completed and equipped, within three years from the first day of December then next ensuing, seventy-five miles of road, and thirty miles each year thereafter for five years, and the whole line from the Mississippi to the Missouri River by the first day of December, 1865; and upon failure to comply with these conditions, reserved the right to resume the grant.

A conflict immediately arose between the grantees of the State under the river and railroad grants, which has continued ever since. But at the December term, 1859, the Supreme Court of the United States, in the case of Litchfield *vs.* D. and P. R. R. Co., decided against the validity of the river grant; which decision, as we are informed, has been adhered to by said Court at the December term, 1863, in a case in which one Burr and the said Litchfield were parties.

In March, 1860, the Iowa Central Air-Line Railroad Company having become bankrupt and utterly failed to comply with the conditions upon which the grant was made to that company, the General Assembly resumed the grant, and in the same month conferred it on the Cedar Rapids and Missouri River Railroad Company upon similar conditions to those contained in the act of July, 1856, and other more stringent conditions—among which were, that until that part of the road between Marion and Cedar Rapids, in Linn county, and a short line of road between Lyons City and Clinton, in Clinton county, connecting Lyons with the Chicago, Iowa and Nebraska Railroad, were constructed, the Governor should not certify any lands to that company, thus holding the whole grant as security for such constructions. Also that the lands, after three installments of 120 sections each had been received by that company, the balance should be distributed *pro rata* along the balance of the line.

We believe that all of the companies have failed to comply with the conditions of their respective grants, by making the annual progress required by law. But the Cedar Rapids and Missouri River Railroad Company has substantially and almost literally complied with the conditions imposed upon it by the Act of March 26th, 1860; for failure of which, the Legislature reserved the right to resume. By said last mentioned Act, said company was required to complete and equip forty miles of its road by the first day of December, 1861, which was literally done.

By the first day of December, 1862, said company should have had thirty additional miles constructed, but by reason of its inability to procure transportation for the iron for the track, in consequence of the use of such means by the Government, in addition to the ordinary demands of commerce, and also by reason of the ex-

tremely bad weather in the latter part of said year, the completion of the thirty miles was delayed for some six weeks after the first day of December.

It is proper to add that the road bed was, in great part, prepared for said thirty miles in the autumn of 1861, and in the spring of 1862, about one-half of it, lying in the Iowa river bottom, was more or less injured by extremely high water, which made it necessary to raise the grade and repair extensive damages done to the embankments, involving heavy extra expense, which delayed the work of that year.

In 1863 said company should have constructed thirty additional miles of said road, the grading and bridging for which were completed in ample time—and more than twenty miles actually completed. The material for the track was also provided, but owing to unavoidable delays in the transportation of the iron, and the bad weather which prevailed on that line in the latter part of the season, the company failed to complete the balance of the thirty miles.

We are assured that the construction of thirty miles of the road in 1863 involved an expenditure of nearly six hundred thousand dollars, and on the first day of December it would have required less than two thousand dollars to finish the work—and for this trifling failure the State has the technical right to resume the lands on that line.

That part of the road between Marion and Cedar Rapids, and the line between Clinton and Lyons, have not been constructed. Many difficulties have intervened to prevent their construction. In the first place it was not easy to induce capitalists to invest their money in these works because it was certain under existing circumstances, not to prove a fair investment without Eastern or Northern connections. In the next place, the Dubuque, Marion & Western Railroad, claimed a prior right to the line from Marion to Cedar Rapids, and the town of Clinton and the Chicago, Iowa and Nebraska Railroads, factiously opposed the connection in the town of Clinton ; and although a close connection with the C. I. & N. R. R. was required of the C. R. & M. R. R., by the act of March 26th, 1860, there was no power under the laws of the State to compel the former company to allow such connection, until the act of 1862.

But the road from Lyons to the Clinton line is already graded in part, and the whole is under contract to be completed as soon as practicable, in the ensuing season. But the Clinton people deny the right of the company to go through their town without their consent, under the special charter of that town. If the work be not delayed by litigation, or other unforeseen difficulty, there is good reason to believe that the connection will be made between Lyons City and Clinton, by the first of July next. The line between Marion and Cedar Rapids is graded by the D. M. and W. R. R., and we are informed that the iron is purchased, and that the com-

pany expect also to have the work completed by the first of July next, or during the ensuing season.

But for this failure, for which there seems to be good reason, the State holds the lands in security, and has no right to resume.

This Road has fairly earned 600,000 acres of the grant, by the coonstruction of 100 miles of the road, and whatever else the State does, it would be gross injustice to wrest them from this Company.

The Dubuque and Sioux City Road had for the past two or three years made but little progress in extending its line, but during the past year contracted for the extension from Cedar Falls, in Black-kawk county, to Iowa Falls, in Hardin county, a distance of forty-three miles, and made considerable progress in grading the same, —which grading is to be completed by the first of May next. It has also, as we are informed, a bridge across the Cedar River at Cedar Falls nearly ready to raise, at a heavy outlay.

When we consider the condition of the country, and remember the timidity with which capitalists approach a great enterprise of this character, and the fact that the Gelpkes were involved in ruin by investments in this Road, and advances made by them towards its construction upon the bonds of the City of Dubuque, which the City refused to pay, it is not surprising that delay has occurred in the progress of the work. It has, doubtless, required much time and labor to combine the necessary capital to go on with the work; and resumption on this line, although we concede the unquestionable right of the State, would paralyze the whole enterprize, and cut off all hope of its further progress for many years.

The Mississippi and Missouri River Railroad Company, like the Dubuque and Sioux City Company, also failed to make progress with its Road.

Your committee have had no opportunity of ascertaining the private reasons for its delay, but some of the facts connected with its history are public and notories, among which we may mention the fact that its principal projectors entered upon the enterprise as an extension of the Chicago and Rock Island Railroad, and had invested their large fortunes in the progress of the work from its initial point, at Chicago, to its present terminus, at Grinnell, involving the necessity of securing the co-operation of other capitalists, which, in the condition of the country for the past three years, could not readily be done without extraordinary inducement. But it is well known that it has endeavored to extend its line, notwithstanding the embarrassing circumstances surrounding it, and has actually put in operation about twenty miles of road during the past season, and made considerable progress in grading west of its present terminus.

The Burlington and Missonri River Railroad Company, we are informed, has made little or no progress for some time past. But

we are wholly uninformed as to the condition of the company, its means to go on with the enterprise, or its purpose of future progress. But we are well satisfied that whatever plans, if any, that, as well as the other companies named, has formed for the further progress of the work, will be entirely thwarted by a resumption of the grants. And that a resumption on any one of the lines of road without imperative necessity therefor, and only for the purpose of securing the earlier completion of such road, will exhibit such manifest hostility to this class of improvements that the credit, not only of the land grant roads, but of every other in the State, will be impaired, and the progress of the works delayed, if not entirely stopped, thereby disappointing the hopes of the people in the western portion of the State, and working great injury to every section thereof.

The right of the State to resume being conceded, the question arises as to the policy of doing so. For what purpose ought this State to resume? Manifestly for the purpose of securing the construction of the roads, and that alone. Is this the object sought to be attained? No! We have not heard a solitary suggestion of the kind. No one favors resumption as a means of better executing the trust imposed upon the State by the act of Congress granting the lands to the State, and accepted by a solemn act of the General Assembly. It is only proposed to resume the lands for the purpose of avoiding the difficulties in which the State has become entangled by unjustly claiming what she had no right to, and selling that claim to others.

One class of Resumptionists insists on protecting the interest of the settlers, without any sacrifice on the part of the State, by taking the lands away from the Railroad Companies and giving them to such settlers.

Another class insists upon the State resuming the lands, and putting the settlers and the Des Moines Navigation Company upon an equal footing, and thus virtually making the quit claim to the Des Moines Navigation Company a warranty of title.

It is needless for us to say that we deem it both just and proper for the State to protect its *bona fide* grantees. But this should be done in a legal way, and not by violating the faith of the State in the execution of its trust. The Des Moines Navigation and Railroad Company is not entitled to any consideration at the hands of the General Assembly. It has never done any good, but much evil, in the State. It has assumed and paid, on behalf of the State, less than four hundred thousand dollars, and as a consideration therefor, received from the State, in addition to the quit claim upon the lands now sought through the medium of resumption, lands probably worth in cash much more than the sum paid by them.

But this is not all. By the improvident management of those conducting the business of the State with that company, a large debt

has been created against the State, for the payment of which this General Assembly is urged to make provision.

If the urgent demand of this company, for resumption is denied, so far as it hopes to profit by it, there can be no necessity for resuming the lands, as it is the only party to be really benefitted by the movement.

We are unwilling to suppose the State will resume to gratify or benefit that company. As to the individuals who purchased from the State prior to the railroad grant, they deserve great consideration. But how can they be benefitted by resumption? The State acquires no title by resumption only as a trustee for the railroad interest, unless it is intended to prevent the construction of the railroads, and thus effect a reversion of the lands to the State under the joint Resolution of Congress of 1862. Surely it cannot be intended to effect the result in this manner for it would be a gross violation of the trust reposed in the State by the act of Congress May 15, 1856.

It is said by some that the Railroad Companies did not expect, when the lands were conferred upon them, to receive any of the so-called River Lands; and that the State evidently did not intend to give them to the companies. And if not, then there was not that consent of the minds of the parties which constitutes a contract, so far as relates to said lands. To this proposition there is a plain answer: First, The act of Congress certainly vested the title of these disputed lands in the State for railroad purposes only as has been determined by the highest judicial authority. Second, The State accepted the trust and pledged its faith to execute it by applying every acre of it to the construction of the railroads and to no other purpose whatever. And whether the General Assembly intended to include the River Lands, or not, it was its solemn duty to do so. Third, The companies accepted the grant without any restriction as to quantity, quality or value, and were justly entitled to every acre of the land included in the grant upon complying with its conditions. These propositions are not merely legal, but even a Court of Equity would be bound to respect them.

Another point of great importance is, that resumption will probably result in the reversion of the lands remaining undisposed of, according to law, by the railroad companies, which will include all of the grant on the C. R. and M. R. R., which has been fairly earned by that company, and possibly all that grant. In the next place it will certainly result in one or both of two unfortunate things: either the D. N. and R. R. Co. will become seized of all the river lands released to them by the State, to the detriment of the railroad interest; or, the titles will be involved in doubt and lead to angry and expensive litigation, discouraging settlement, and retarding the development of that part of the State. We feel sure both these calamities will befall us, and that by the fair construction of the laws of Congress and of the State, in *pari materia*, the Nav-

igation Company will acquire a good title by reversion which will almost certainly follow resumption.

We are satisfied that this is the most important question upon which the present General Assembly will be called to deliberate, and its determination will affect all the material and social interests of the State for all time.

Respectfully submitted,
H. C. HENDERSON,
C. F. CLARKSON,
M. V. BURDICK.

The report was placed on file and ordered to be printed.

Senator Boardman from special committee of which Senator Cutler is Chairman, submitted the following minority report:

The minority of the Committee to whom was referred House File No. 17, beg leave to report that it has not been able to concur with the majority of the committee for the following reasons, to-wit:

Section 2 of the Constitution expressly directs the General Assembly in relation to this subject, and says that all estates of deceased persons who may have died without leaving a will or heir, shall be and remain a perpetual School Fund, the interest of which shall be inviolably appropriated to the support of common schools throughout the State.

It is believed by the minority of your committee that no language could be more explicit than that used in the Constitution on this subject; therefore said minority recommend either the indefinite postponement of said bill, or that the same be so amended as to provide for an appraisal of the estate in question, and an appropriation from the State Treasury of a sum sufficient to make up to the School Fund or to the petitioner the value of said estate. All of which is respectfully submitted.

N. BOARDMAN.

House Substitute for Senate File No. 5: A Bill for an act providing for assistant collectors and for the better collection of taxes was then taken up.

Senator Ross moved to add to Section 1 "and the notes now issued or to be issued by the several Branches of the State Bank of Iowa, *provided* that the Treasurers aforesaid shall not receive the notes of said Branches of the State Bank or of any of them, at any time after any one of said Branches shall fail to redeem its issues."

Add to third line Section 2, after the word "Banks," "and the amount received in notes of the Branches of the State Bank of Iowa."

By consent the following bills were introduced by Senator Parvin:

Senate File No. 169: A Bill for an act to provide for the publication and distribution of the laws of the Tenth General

Assembly of the State of Iowa. The Bill was read a first and second time, and referred to the Committee on Ways and Means.

By Senator Ross, Senate File No. 170: A Bill for an Act to establish the office of County Treasurer. To fix the time of election of County Treasurer; to define his duties and to fix his compensation. The Bill was read a first and second time and referred to Committee on Township and County Organizations.

By Senator Shippen, Senate File No. 171: A Bill for an Act to amend Sections 12 and 18 of Chapter 102, of the laws of the Ninth General Assembly. The Bill was read a first and second time, and referred to Judiciary Committee.

By Senator McCrary of Lee, Senate File No. 172: A Bill for an Act supplemental and amendatory to Chapter 84 of the Acts of the Regular Session of the Ninth General Assembly of the State of Iowa, being an act to prevent fraud in warehousemen and others. The Bill was read a first and second time and referred to Committee on Commerce.

By Senator Hart, Senate File No. 173: A Bill for an Act to legalize the acts of the Clerk of the District Court of Polk County. The Bill was read a first and second time, and referred to Judiciary Committee.

By Senator Clark, Senate File No. 174: A Bill for an Act to restrain persons from careless driving or leading stock across bridges maintained at public cost.

The bill was read a first and secoud time and referred to Committee on Township and County Organizations.

By Senator Burdick, S. F. No. 175: A Bill for an Act to regulate the compensation of County Judges, and providing for the collection thereof.

The bill was read a first and second time and referred to Judiciary Committee.

Senator Clarkson by consent submitted the following resolution:

Resolved, That members, officers and visitors be prohibited from smoking in the Hall of the Senate during business hours, and for thirty minutes previous to the meeting of the Senate.

The resolution was adopted.

On motion of Senator Hesser the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

The Senate resumed the consideration of House substitute for S. F. No. 5: A Bill for an act providing for Assistant Collectors and for the better collection of taxes.

The question being upon the adoption of the amendment offered by Senator Ross, Senator Burdick called the yeas and nays.

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Clark, Cutts, Gue, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, and Wharton—32.

The nays were, Senators Burdick, Crookham, Dixon, Foote, Hart, Hesser, and Woolson—7.

The amendment was adopted.

The Bill was read the third time.

The question now being, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Gue, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, and Wharton—33.

The nays were, Senators Burdick, Dixon, Foote, Hart, Hesser, and Woolson—6.

Bill passed and title agreed to.

Senate File No. 132: A Bill for an Act to provide for the relief of the families of Iowa soldiers and for compensation thereby to such soldiers for their services, was taken up and referred to the Joint Committee on Relief of Soldiers' Families.

Substitute for Senate File No. 51: A Bill for an Act to amend Chapter 98 of the Revision of 1860 in relation to homesteads, was taken up.

Senator Woolson moved to insert in the fourth line of Section 1, after the word "shall" the words "except as hereinafter provided."

The motion was lost.

Senator Moore moved to add after the seventh line of Section 1, "5th. For any money due from a guardian to his ward. 6th. For any money due from an administrator to the widow or minor heirs of an intestate. 7th. For any money due from a principal to a surety for losses incurred by the surety on account of the principal."

The first and second divisions of the amendment were adopted—the third was not adopted.

Senator Roberts moved to add to section 1, the words "7th or any other debt whatever."

The amendment was lost.

Senator Henderson moved to insert in the fifth line of Section 1, after the word, "executed" the word "thereon," and after the word wife the words "or either of them before marriage."

The amendment was adopted.

Senator Woolson moved to insert in the fifth line of Section 1, after the word "taxes" the words "when listed separately."

The amendment was adopted.

Senator McCrary, of Lee, moved to insert in the second line of section 2, before the word "town," the words "city or," and strike out the word "plat;" also, in the third line, before the word "town," the words "city or," and strike out the word "plat."

The amendment was adopted.

Senator McJunkin moved to strike out the word "eighty," in the third line of section 2, and insert the word "forty."

The amendment was not adopted.

By consent, Senator Saunders presented a petition of J. M. Eldridge and 114 others, to restrain cattle from running at large. Referred to Committee on Agriculture.

By consent, Senator Gue, from the Committee on Printing, submitted the following report:

The Committee on Printing, to whom was referred a message from the House and a Senate Resolution in relation to printing the Report of Mrs. Wettenmyer, have had the subject under consideration, and respectfully submit the following report:

The report of Mrs. Wettenmeyer, as State Sanitary Agent, was submitted to the Senate by Governor Kirkwood, as required by law. It contains a history of her business transactions since September 25th, 1862, together with a statement showing the whole amount of Sanitary supplies received from Soldiers' Aid Societies, and other sources, and an account of her receipts and expenditures during that time.

The Senate ordered 3,000 copies of her Report printed for the use of the General Assembly. The House amended the resolution by requiring a *Special Message* of the Governor, to be printed with the Report. Your committee can see no reason why the two should be printed together, and we would recommend that the Senate refuse to concur with the amendment of the House, and that the accompanying resolution be adopted by the Senate.

B. F. GUE, Ch'n of Com. on Printing.

On motion of Senator Roberts, the Senate adjourned.

SENATE CHAMBER,
Des Moines, February 26th, 1864.

Senate convened at 10 o'clock A. M.

Prayer was offered by the Rev. Mr. McCague.

The journal of yesterday was read and approved.

On motion of Senator Parvin, Senator McCrary of Lee was added to the Joint Committee on relief of soldiers' families.

PETITIONS AND MEMORIALS.

By Senator King, asking for a law to restrain stock from running at large. Referred to Committee on Agriculture.

By Senator Dixon: Claim of James Hall, State Geologist. Referred to Committee on Claims.

By Senator Boardman, in relation to selection of Jurors in criminal cases. Referred to Judiciary Committee.

By Senator Hunt: Two petitions in reference to allowing hogs to run at large. Referred to the Committee on Agriculture.

By Senator Bassett: A remonstrance against the resumption of the lands granted to Dubuque & Sioux City Rail Road Company.. Referred to Committee on Rail Roads.

By consent, Senator Bassett, from Special Committee on Des Moines River Lands, submitted the following report:

The undersigned special committee appointed to inquire what protection it is in the power of the General Assembly to afford purchasers and occupants of lands sold by the State, the title to which is now contested, submit the following report :

In accordance with the requirements of the resolution of the Senate, your committee have directed their attention to the rights of the following classes of persons :

First: *Bona fide* purchasers from the State of Iowa of lands within five miles of each side of the Des Moines River, prior to the contract of the State with the Des Moines Navigation & Railroad Company.

Second: Purchasers of lands selected as a part of the 500,000 acre grant and sold by John Toleman, School Fund Commissioner, but subsequently rejected and claimed as Railroad lands.

Third: *Bona fide* pre-emptors upon lands granted to the State of Iowa by Act of Congress approved July 12, 1862.

First, purchasers from the State: It is not the design of the committee to enter upon a history of the Des Moines River Improvement, nor to investigate the questions involved in that much complicated subject, believing that it is possible to bestow substantial justice upon the parties particularly named without hazarding their rights, the validity of which all admit by a complication with claims, by many considered of doubtful nature.

By an Act of Congress approved August 8th, 1846, there was "granted to said Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork (so called) in said Territory, one equal moiety in alternate sections of the public lands (remaining unsold and not otherwise disposed of, incumbered or appropriated) in a strip five miles in width on each side of said river, to be selected within said Territory by an Agent or Agents to be appointed by the Governor thereof, subject to the approval of the Secretary of the Treasury of the United States."

The State of Iowa, by a joint resolution of the General Assembly, approved January 9th, 1847, accepted the grant for the purposes specified in the Act of Congress. By an act approved Feb. 24th, 1847, a "Board of Public Works" was created, with power to sell these lands, under the regulations adopted for the sale of United States lands. Agents appointed by the Governor selected the lands claimed to be within the grant. Under this authority the State sold the lands above the Raccoon Fork of the Des Moines River, supposed to be within the limits of the grant, amounting on the 23d of December, 1853, to 58,830 acres, situated in the counties of Polk, Boone and Webster.

On the 9th day of June, 1854, the Commissioner and Assistant Commissioner of the Des Moines River Improvement made a contract with the Des Moines Navigation & Railroad Company, whereby it was agreed that the interest of the State in the residue of the lands should be transferred to the Company.

Congress on the 15th day of May, 1856, passed an act making a grant of lands to the State of Iowa, for the sole purpose of aiding in the construction of certain Railroads, to-wit:

1st, One from Burlington, on the Mississippi river, to a point on the Missouri river, near the mouth of the Platte.

2d, One from the city of Davenport via Iowa City and Fort Des Moines, to Council Bluffs.

3d, From Lyons City northwesterly to the main line of the Iowa Central Air Line Railroad near Maquoketa, thence along said line near the 42d parallel to the Missouri River.

4th, From Dubuque to a point on the Missouri River near Sioux City, with a branch from the mouth of the Tete des Morts to the nearest point on said road.

This grant included every alternate section designated by odd numbers within six miles, or for six sections in width on each side of the line of each of said roads, and provides that in case any of the lands thus designated have been disposed of by the General Government, the State may select in lieu thereof other unappropriated lands in odd numbered sections not exceeding fifteen miles in width on either side from the line of said Roads.

The State accepted the grant on the 14th day of July, 1856, and made the following disposition of the lands, to-wit:

1st, To the Burlington & Missouri River Railroad Company, all the lands on the line from Burlington to the Missonri River.

2d, To the Mississippi & Missouri River Railroad Company, the lands on the line from Daveaport to Council Bluffs.

3d, To the Iowa Central Air line Railroad Company, the lands on the line from Lyons City westward to the Missouri.

4th, To the Dubuque & Pacific (now Dubuque & Sioux City) Railroad Company, the lands on the line from Dubuque to Sioux City.

All of these Companies accepted the grants and proceeded to locate the roads and select the lands.

The Iowa Central Air Line Railroad Company having failed to comply with the requirements of the grant, the General Assembly on the 17th day of March, 1860, passed an act resuming to the State all the lands granted to the Company, and by an act approved March 26th, 1860, granted the same to the Cedar Rapids & Missouri River Railroad Company. This grant was accepted by that Company on the 18th day of June, 1860.

At the December term, 1859, the Supreme Court of the United States in the case of the Dubuque & Sioux City Railroad Company vs. Litchfield, settled the long contested question respecting the extent of the grant of August 8th, 1846, limiting it to the Raccoon Fork of the Des Moines River.

Recent cases involving the same question merely re-affirm the former opinion of the Court.

These decisions have removed all doubts that heretofore surrounded the subject, and established beyond controversy that the State acquired no right to these lands by the Act of Congress approved August 8th, 1846, and consequently the deeds of the State conveyed no title to the individual purchasers before mentioned.

But these lands having been granted by the Act of Congress of May 15th, 1856, to aid in the construction of Railroads, became the property of the State for that purpose, and for no other; and the title acquired, under this grant, having been transferred to the Railroad Companies, the lands are now claimed by, and belong, without doubt, to those Companies subject to the trust imposed thereon.

The individual purchasers before referred to, relying upon the validity of their conveyances from the State, took possession of, and made valuable improvements upon, the lands.

The superior advantage afforded to Agricultural pursuits in the rich valley of the Des Moines, a fertile soil and an abundance of timber and coal, invited an Agricultural population, whose industry and thrift were soon made apparent by well cultivated farms and growing settlements. They now look to the State for relief and protection, and ask that such arrangements may be made with the Railroad Companies as will secure to them the possession of their homes and property.

The equities of their claim will be at once recognized and admitted; and the committee believe it within the power of this General Assembly to grant relief to the settlers without injury to the Railroad Companies.

To indemnify the State for this failure of title, and protect purchasers without prejudice to the trust estate created for Railroad purposes, Congress, by an Act approved July 12th, 1862, enacted, "That the grant of lands to the then Territory of Iowa, for the improvement of the Des Moines River, made by the Act of August

8th, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers) lying within five miles of said River, between the Raccoon Fork and the Northern boundary of said State; such lands are to be held and applied, in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad in accordance with the provisions of the Act of the General Assembly of the State of Iowa, approved March 2d, 1858. And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this Act, excepting those released by the United States to the grantees of the State of Iowa, under Joint Resolution of March 2, 1862, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof; Provided, That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant, the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof, by virtue of the provisions of this Act, shall inure to and be held as a trust fund for the benefit of the person or persons respectively, whose titles shall have failed, as aforesaid."

On the 11th of September, 1862, in Extra Session, the General Assembly, by Joint Resolution, accepted the grant of lands donated by the above act of Congress, and also by an act of the same date authorized the Governor to appoint one or more commissioners to select the lands, which when selected and reported as provided in the act, were to be held by the State in trust for the purposes for which they were granted, and in no wise to be disposed of without future legislation.

Under the provisions of the act of Congress above referred to, three hundred thousand acres of land have been selected in the Fort Dodge and Sioux City land District, and about forty thousand acres still remain to be selected. There are also about two hundred and twenty-five thousand acres of land included in the sections designated by odd numbers within five miles on each side of the west branch of the Des Moines river to the northern boundary of the State, making in all about five hundred and sixty-five thousand acres.

This land, in accordance with the provisions of the act, will inure to the benefit of the purchasers from the State whose titles have failed. It will at once be admitted that indemnity is not afforded to settlers who have made lands valuable by their labor, by giving them other lands in lieu thereof which are wholly uncultivated, thus depriving them of their homes and the fruits of their industry.

For the purpose of a final adjustment of these difficulties, the committee addressed communications to the Cedar Rapids and

Missouri River Railroad, and to the Dubuque and Sioux City Railroad Companies, with a view to ascertain what concessions could be obtained in favor of the claims of this class of purchasers. In reply thereto, the Cedar Rapids and Missouri River Railroad Company presented propositions for a settlement, and the committee now submit the following basis of adjustment of these conflicting claims, believing that the interest of the State will be protected and substantial justice done both to the settlers and to the Railroads.

The Companies shall convey to the State all the "River Lands" within the limits of their respective grants sold to individuals prior to the 23d day of December, 1853, which conveyance shall transfer to the State unencumbered a title as ample in every respect as the Railroad Companies have acquired or may acquire therein, by virtue of the acts relating to these grants. And in return the Legislature shall authorize the Auditor to issue to the Company so conveying, a class of warrants or scrip equal in amount to the value of said lands, at the rate of one dollar and fifty cents per acre; said warrants to draw interest at the rate of six per cent. per annum from the date of an act perfecting such settlement, and to be receivable for State taxes levied upon the lands of such Railroad grant, but for no other taxes, dues, or purposes whatever. The said warrants to be issued to such Railroad Company, whenever the said Company would, by the provisions of the acts relating to such lands, be entitled to sell and dispose of the same. And in case the Supreme Court of the United States should decide against the validity of the claim of such Company, to these lands, or if for any other cause the title of said Company to the lands should fail, then the warrants, if any, issued under the provisions of this Act shall be void, and no further issue of warrants shall be made.

The State shall reserve to herself out of the "indemnity lands" granted by Act of Congress to this State, a number of acres equal to the number so conveyed by such company, and the same shall be held absolutely by the State for such uses and purposes as the State may hereafter by law determine.

In accordance with this proposition the Cedar Rapids and Missouri River Railroad Company have deposited with the Governor in escrow, to be delivered upon the acceptance of this settlement by the State, a deed duly executed, releasing to the State all the title of the company to the lands sold by the State within the limits of their grant prior to the 23d of December, 1853, in all, 2,832,010 acres. Also have executed and delivered in escrow, a bond in the penal sum of \$100,000 to the State of Iowa, obligating the Company to convey, upon terms therein specified, to the counties interested therein, all the Swamp Lands sold by the counties prior to January 1st, 1861, which may hereafter be certified to the Company under their grant.

The Company have by a contract, executed and deposited in the

same manner, agreed to convey to the actual settlers, not purchasers from the State, upon terms satisfactory to them, all the title which the Company now has or may hereafter acquire in these lands.

The committee have also been furnished with a certificate of the records of Boone county, showing, as appears from its record, that no incumbrances of any nature have been created upon these lands by the Company.

By this adjustment the State will be entitled to reserve to herself out of the indemnity lands before mentioned, a number of acres equal to the amount so conveyed by the Company, to be held absolutely by the State for such purposes as the State may hereafter determine.

Your committee would, therefore, recommend the acceptance of this settlement, and herewith report a bill for that purpose.

There are within the limits of the grant to the Dubuque and Sioux City Railroad Company about 2,501 acres sold by the State in the manner before stated, which have been certified to the Company. A communication was also addressed to this Committee, and it is understood that a settlement embodying substantially the foregoing provisions, could be effected between the State and that Company. The necessary deeds and obligations have not yet been presented to the Committee, and therefore the details of the adjustment have not yet been perfected. It is expected, however, that the necessary papers will be received at an early date, when the Committee will make further report thereon, with accompanying bills.

Second: Purchasers of land selected as part of the 500,000 acre grant, and sold by John Toleman, School Fund Commissioner, but subsequently rejected and claimed as Railroad lands.

The Agents employed by the State to select the 500,000 acre grant, among other lands selected 12,813.51-100 acres, chiefly in Webster county, belonging to the River grant, which selection with others, was approved Feb. 20, 1851. Col. Benton, at that time State Superintendent, acting upon the assurance of the Commissioner of the General Land Office that the selections in question did not conflict with the Des Moines River grant, on the 6th of June, 1853, ordered these lands into market. In January thereafter he received a communication from the Commissioner to the effect that the approval of the selections of these 12,813.51-100 acre had been revoked and confirmed to the State under the Des Moines River grant. In the meantime, the School Fund Commissioner of Webster county, under the order of sale, disposed of some 4,859 acres of this land by sale to actual settlers who have improved and still occupy the same. Since that time the State has, in pursuance of her contract with the Des Moines Navigation & Railroad Company, conveyed these lands to that Company.

Since the decision of the Supreme Court of the United States in

the case of the Dubuque and Sioux City Railroad Company *vs* Litchfield, so much of these lands as were within the limits of the grant to that Company have been regarded as Railroad lands and claimed by the Company though the Secretary of the Interior has not yet included them in their certified lists. To perfect the rights of these purchasers the Dubuque and Sioux City Railroad Company were required by act of the General Assembly to release to the Register of the State Land Office those tracts in Webster and Hamilton counties heretofore sold by John Toleman, School Fund Commissioner of Webster county, within the fifteen mile limits of the grant of said Road in trust to enable said Register to carry out and perform the contract of said School Fund Commissioner. This release the Dubuque and Sioux City Railroad Company have recently filed in the office of the Register of the State Land Office, and these purchasers are at length released from a troublesome controversy, and their titles cleared from doubt arising from the effect of the Railroad grant.

Since the passage of the act above referred to, requiring the Dubuque and Sioux City Railroad Company to release certain lands in Webster and Hamilton counties, a number of settlers upon valuable tracts had been permitted to establish pre-emption rights and purchase their lands from the United States at \$1.25 per acre, thus securing a title to their homes.

Third: Settlers upon lands claimed by the State under the act of July 12th, 1862.

After the decision of the Supreme Court of the United States in the case of the Dubuque and Sioux City Railroad Company *vs* Litchfield, which limited the grant of Aug. 8th, 1846, to the Raccoon Fork of the Des Moines River the lands in the valley of the *east and west branch* above the limits of the grant to the Dubuque and Sioux City Railroad Company were by Proclamation of the President of the United States, brought into market and thus became open to occupation under the pre-emption law. In May, 1862, Congress passed the Homestead bill and immediately thereafter quite a large immigration to that portion of the State took place, induced by the benefits to be derived from this law.

In a communication on this subject the Receiver of the Land Office at Fort Dodge says "many persons made application to pre-empt under the Homestead act, but the Department not having prepared the necessary forms for the guidance of the land officers, they pre-empted at our suggestion under the pre-emption laws of 1841. Section six of the Homestead act contains as follows: '*Provided*, That nothing contained in this act shall be so construed as to impair or interfere in any manner with existing pre-emption rights. And provided that all persons who may have filed their application for a pre-emption right prior to the passage of this act shall be entitled to all the privileges of this act.' In the opinion of the Register and myself these two provisions would au-

thorize us to admit the person who had filed declaratory statements under the then existing pre-emption laws of 1841 to all the privileges and benefits of the Homestead act.

"In this view of the case we permitted some forty-seven persons to file declaratory statements between the 11th of July and the 11th of September, 1862, an abstract of which for every month was forwarded to the Commissioner of the General Land Office at Washington. On or about the 19th of December, 1862, we were first instructed by the Commissioner of the General Land Office to permit no more filings or Homestead pre-emptions upon the so called Des Moines River Lands, and then only did we receive the first intimation to that effect. In the meantime some forty-seven pre-emptions were filed in good faith. Since that time about one half of the whole number have abandoned their claims, and the remainder have made valuable improvements, and they now request such legislation on the part of the General Assembly as will secure to them their hard earnings."

It is true the act of Congress approved July 12th, 1862, provides that it shall take effect from the day of its passage. But the lands included in this grant were not and could not be known until selected by the Commissioner appointed by the State, and while the pre-emption claim did exist at the time these selections were made, yet they are subsequent to the taking effect of the act, and if the law operates as a present grant, they would thereby be defeated.

The act of the General assembly, approved March 22d, 1858, transferred "all the lands granted to the then Territory of Iowa by the act of Congress approved August 8th, 1846, and *all lands* which may be given *in lieu thereof* to the Keokuk, Fort Des Moines & Minnesota Railroad Company." But by the act of the Extra Session of the Ninth General Assembly, approved September 11th, 1862, accepting these indemnity lands, it is provided that no disposition should be made of them without further legislation.

It is, therefore, in the power of the General Assembly to grant relief to these persons, and by acting at an early day, prevent a repetition of the conflict of rights between a Railroad Company and the settlers of the Des Moines Valley.

The committee would therefore recommend that the State release to the United States all these occupied lands for the purpose of perfecting the title of *bona fide* pre-emptors and claimants under the Homestead law. And as the pre-emption rights attached before the selections were made under the grant of July 12th, 1862, it is probable the State will be permitted to select other lands in *lien* of these, and thus no loss will be incurred by the State or the Railroad Company.

In accordance with these suggestions the committee present the accompanying bill, and recommend its passage.

It is not the design of the committee to discuss at length the sub-

ject of resumption. But they most earnestly protest against such a course as a means of relief to the settlers in the Upper Des Moines Valley. It will only again involve their titles in litigation and renew the strife which has for so many years retarded the settlement and improvement of one of the finest portions of our State. If the Des Moines Navigation & Railroad Company should be found entitled to relief, other means of indemnity can, and should be provided, without again bringing into doubt the title to a large part of this Valley, and involving the residents in hopeless litigation.

After the decision of the Supreme Court of the United States in the Litchfield case, a considerable number of settlers proved up their claims, under the provisions of the act of the General Assembly, approved July 14th, 1856, giving to the then residents on Railroad Lands, the right to purchase them of the Companies at \$2.50 per acre. These persons having purchased, now hold title under the Railroad Companies, and if the act of resumption has any effect it must disturb these titles, and while we attempt to relieve one class of citizens, we inflict a wrong upon another equally deserving the protection of the State. Your committee would therefore respectfully and earnestly recommend the mode of adjustment herein proposed.

GEO. W. BASSETT,
H. C. HENDERSON,
C. F. CLARKSON.

Also Senate File, No. 176: A Bill for an Act releasing to the United States certain occupied lands granted to the State of Iowa, and Senate File No. 177: A Bill for an Act to accept a conveyance of land made to the State of Iowa for the benefit of her grantees by the Cedar Rapids and Missouri River Railroad Company, to remit the forfeitures and penalties incurred by said Company, and to extend the time for building their Road, and for other purposes.

On motion of Senator Hunt the Report and Bills were ordered to be printed.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House of Representatives has passed House File No. 96: "A Bill for an Act apportioning the State of Iowa into Representative Districts."

Also the accompanying Memorial and Joint Resolution: "Asking Congress for a grant of land to aid in the construction of a Railroad from McGregor on the Mississippi River, to a point in the western bounds of the State of Iowa between Sargent's Bluffs and the north boundary of the State;" in all of which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk, H. R.

Senator Roberts, by consent from the Committee on Railroads, submitted the following report:

The Railroad Committee have directed me to recommend that the Bill be printed and referred to a Select Committee of three, to consist of Senators Foot, Woolson and Shippen.

B. F. ROBERTS, Chairman.

The Senate resumed the consideration of Senate File No. 51: A Bill for an Act to amend Chap. 98 of the Revision of 1860 in relation to Homesteads.

Senator Patterson offered the following substitute for Section 2:

"Section 2284 of Chapter 98 of the Revision of 1860 is hereby amended so as to read as follows: The said Homestead shall include as much real estate in one tract (if there is sufficient in the tract) to be of the value of at least \$500, and in no case shall the Homestead so exempt be less than one half of one acre, if within a town or city, unless the value thereof shall be more than two thousand dollars, in which case such Homestead shall be disposed of as hereinafter provided."

The amendment was lost.

Senator Stubbs moved to strike out Sections 1 and 2.

By consent, Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on enrolled Bills report that they have examined Senate File No. 36: An Act to amend Section 2, Chapter 173, of the Ninth General Assembly in relation to the office of City and Town Assessors.

House File No. 108: An Act changing the time of holding the regular session of the District Court of the County of Audubon for the year A. D. 1864.

Joint resolution, relating to reports of the Agricultural Society.

Senate File 162: A Bill for an Act changing the time of holding Court in the Fifth Judicial District.

Senate File No. 25: A Bill for an Act to amend Chapter 29 of the laws of the Extra Session of the Ninth General Assembly.

House File No. 109: A Bill for an Act to amend Chapter 51 of Revision of 1860, in relation to the incorporation of Cities and Towns.

Also House File No. 5: An act to amend Chapter 161, of the laws of the Ninth General Assembly, approved April 8th, 1862.

Also, joint resolution in relation to the pay of soldiers and seamen of "African Descent," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

On motion of Senator Henderson, Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

By consent, Mr. Foote from Committee on Ways and Means submitted the following report :

The Committee on Ways and Means to whom was referred Committee substitute for House File Nos. 54 and 23, have had the same under consideration and have instructed me to report the same back to the Senate with the accompanying substitute, and recommended the passage of the substitute herewith presented.

JOHN G. FOOTE, Chairman.

Mr. Hillyer, from Committee on roads, submitted the following report :

MR. PRESIDENT: The Committee on roads to whom was referred Senate File No. 88, for an act for laying out private roads, have had the same under consideration, and the Committee instructed me to report the same back to the Senate, and recommend its passage with the following amendments :

HILLYER, Chairman.

Sec. 3. At the time specified in said notice the applicant shall appear before the Justice of the Peace named, at the place named, and if the owner of said land or his agent be present or if either one, the owner or his agent, does not appear (unless for good cause shown, in which case the Justice shall appoint another time,) the Justice shall make out a list in writing of the names of nine freeholders of said township not interested in the proposed road nor a kin to either the applicants or the owner of said lands, and from such list the applicant and the said owner or his agent shall alternately strike therefrom a name until but three remain, and if the owner or his agent is not present, the Justice shall strike for such owner, and in either case the remaining names shall constitute a jury to decide on the application to lay out said road and to appraise the damages to be paid by the applicant in case his demand be granted.

Section 4—Strike out the word six, in the first line, and insert three.

Section 6—Strike out all after the fourth line and insert the following :

Call to their aid a competent surveyor and proceed to survey and stake out the same thirty-three feet in width, and also fix the amount of damages which such applicant shall pay such owner by reason of the establishment of such road, and they shall thereupon make and sign a certificate and deliver it to said applicant, stating the fact that they have established such road, describing it, and also the amount of compensation they award therefor.

Section 7. The said applicant, upon paying, or tendering to, the owner of such land (excepting in case hereinafter provided,) the sum so certified, or if such owner or his agent has not appeared in the case, then upon paying the same into the hands of the clerk of the district court for the use of such owner, he shall be entitled to enter upon and use the said road, and upon having the same

recorded by the clerk of the Board of Supervisors in the road books of the county in which said road is situated, the benefits of said road shall inure to the use and benefit of said applicant and any and all subsequent owners of the adjoining premises.

Section 8. It shall be the duty of the persons for whose benefit said road is granted, and to subsequent adjoining land owners under him, to fence the same with a good lawful fence, (whenever the owner or owners of lands through which it passes shall inclose their lands) and keep such fence in good repair, except where said road is granted on the dividing line adjoining owners, in which case, if said lands are inclosed, the applicant and the owners of such lands shall be governed by the laws now in force regulating division fences.

Section. 9. The said applicant shall pay to the justice for his services in striking the jury and issuing the summons, the sum of one dollar, and to the person swearing the jury and the surveyor, the sum of fifty cents, with five cents per mile traveled each way, in going to and from the place of the road ; to each of said jurors so serving, the sum of fifty cents, and travel fees as above, and to the surveyor the sum of —— for each day employed in such service.

Section 10. Strike out all of section ten, and insert the following :

The surveyor, before entering upon the discharge of his duties, shall take an oath before some competent officer, to faithfully and impartially discharge the same (unless the county surveyor be called, in which case he need not be sworn); he shall also make a correct plat of said road, which, together with the field notes of the same, he shall immediately file with the clerk of the Board of Supervisors of the county in which said road is situated.

Section 11. It shall be the duty of the clerk of the Board of Supervisors of the county in which such land lies, to record the plat and field notes of such road in the road books of said county the same as township and county roads are now recorded.

Section 12. The owners of the land through which any such road is sought to be laid out, shall also have the right to appeal from the action before the justice to the district court by giving bond and security in a sum to be fixed by the justice, and to be at least twice the amount of all costs and damages; the bond to be approved by the justice.

By consent, Senator Henderson called up substitute for House File No. 54 and House File No. 23, being Senate File No. 178: A Bill for an Act to legalize certain taxes heretofore levied by County Boards of Supervisors.

The substitute offered by the committee was adopted, and the bill read a third time.

The question being upon the passage of the bill,

The yeas were, Senators Bassett, Brunson, Brayton, Boardman,

Bridges, Cutler, Crookham, Clark, Cutts, Foote, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen and Wharton—33.

The nays were, Woolson—1.

Absent and not excused—Senators Clarkson, Dixon, Gue, and Merrill.

The Bill passed and its title was agreed to.

The Senate resumed the consideration of Senate File No. 51: A Bill for an Act to amend Chapter 98 of the Revision of 1860, in relation to homesteads.

Senator Stubbs' motion to amend the Bill by striking out Sections 1 and 2 was ruled out of order.

Senator McJunkin moved to strike out Section 2, and on this question

The yeas were, Senators Brayton, Boardman, Bridges, Cutler, Clark, Cutts, Dixon, Foote, Hogin, Hurley, Hunt, McJunkin, McCrary of Lee, Moore, Shippen and Woolson—16.

The nays were, Senators Bassett, Brunson, Clarkson, Crookham, Hart, Henderson, Hillyer, Hesser, Hatch, Hilsinger, King, McCrary of Van Buren, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs and Wharton—20.

Absent and not excused—Senators Gue and Knoll.

The motion was lost.

Senator McCrary of Lee, moved to strike out in the 4th line of Section 6, the word "home" and insert the word "house." The amendment was adopted.

Senator Patterson moved to amend Section 7, by inserting after the word "thousand," in 4th line, the words "and one hundred."

Senator Henderson moved to amend the amendment proposed by Senator Patterson by striking out, in the 4th line of Section 7, the words "for at least the sum of two thousand dollars and." The amendment was lost.

The question now recurring upon Senator Patterson's amendment, it was not adopted.

Senator Woolson moved to strike out all of the 1st Section after the word "law," and all of Section 2. The amendment was adopted.

Senator Stubbs moved to strike out all of Section 1, except the enacting clause.

Senator McCrary of Lee, moved to strike out, in 3d line of Section 1, the words "as hereinafter amended." The amendment was adopted.

The question now being upon Senator Stubbs' amendment,

The yeas were, Senators Bridges, Clark, Hogin, Hurley, Hillyer, Hilsinger, Parvin and Stubbs—8.

The nays were, Senators Bassett, Burdick, Brunson, Brayton, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Hart, Hender-

son, Hesser, Hunt, Hatch, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Ross, Roberts, Saunders, Shippen, Wharton and Woolson—29.

Absent and not excused—Senators Boardman and Gue.

The amendment was not adopted.

Senator Woolson moved to amend Section 1 by adding:

4th. From judgments in favor of a minor ward against his guardian, for money due as such guardian.

5th. From judgments in favor of a widow or minor heirs of an intestate against the administrator or executor of the estate of the decedent, for money received as such administrator or executor from such estate.

Upon this motion the yeas were, Senators Bassett, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Hogin, Hurley, Hesser, Hatch, McJunkin, Moore, Merrill, Parvin, Stubbs, Shippen, Wharton, and Woolson.—22.

The nays were, Senators Burdick, Brunson, Clark, Gue, Hart, Henderson, Hillyer, Hunt, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Patterson, Ross, Roberts, and Saunders.—17.

The amendment was lost.

Senator McJunkin moved to amend Section 3, by striking out in first and second lines before the word "thousand," the word "two" and inserting the word "one."

Senator Ross moved the Senate adjourn. The motion was lost.

The question now being upon Mr. McJunkin's amendment,

The yeas were, Senators Burdick, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Hogin, Hilsinger, Knoll, McJunkin and Stubbs.—11.

The nays were, Senators Bassett, Brunson, Brayton, Crookham, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hurley, Hillyer, Hesser, Hunt, Hatch, King, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Wharton and Woolson.—28.

The amendment was lost.

Senator Patterson offered the following amendment:

Insert after the word "thousand," in the fourth line of the 4th Section the word "one hundred," and insert after the word "thousand," in the seventh line of the 4th Section the word "one hundred," and after the word costs in the seventh line of the 4th Section the words "of execution," and also insert after the word "thousand," in the fourth line of the 7th Section the words "one hundred."

Upon this amendment the yeas were, Senators Clark, Hogin, Hillyer, Hilsinger, Merrill, Patterson and Stubbs.—7

The nays were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hurley, Hesser, Hunt, Hatch, Knoll,

King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Parvin, Ross, Roberts, Saunders, Shippen, Wharton and Woolson.—32.

The amendment was not adopted.

Senator Henderson moved to amend Section 12 by striking out all after the word "repealed," in the second line.

The amendment was not adopted.

Senator McCrary, of Lee, moved that the Bill be engrossed and read a third time to-morrow. On this question

The yeas were, Senators Bassett, Brunson, Brayton, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hesser, Hunt, Hatch, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Ross, Roberts, Saunders, Shippen, Wharton and Woolson—28.

The nays were Senators Burdick, Boardman, Bridges, Cutler, Hogin, Hurley, Hillyer, Hilsinger, McJunkin, Parvin, and Stubbs—11.

The motion was adopted.

Mr. McCrary of Van Buren by consent offered the following resolution:

Resolved, That George L. Hatch be elected Messenger until such time as Master Udell recovers from his sickness.

The resolution was adopted.

On motion of Senator Henderson, the Senate adjourned!

—————
SENATE CHAMBER,
Des Moines, February 27th, 1864.

The Senate convened at 10 o'clock A. M.

Prayer was offered by Rev. Mr. Bresee.

Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Saunders: A memorial from the City of Davenport asking for such a change in the present law relating to the sale of intoxicating liquor as to permit the sale thereof under a license. Referred to Special Committee on Liquor Law.

By Senator Stubbs: A remonstrance against the repeal of the present liquor law. Referred to same Committee.

By consent the following Bills were introduced:

By Senator King, Senate File No. 179: A Bill for an Act to legalize the action of the Board of Supervisors of Benton county,

making appropriation for the payment of bounties for enlistments. The bill was read a first and second time and referred to a Special Committee of which Senator Henderson is Chairman.

The Chair added to the Committee Senators King and Patterson.

By Senator Brayton, Senate File No. 180: A Bill for an Act to dispose of certain fees received by the County Treasurers. The Bill was read a first and second time, and referred to the Judiciary Committee.

By consent Senator McJunkin introduced the following Joint Resolution.

WHEREAS, The Constitution of the United States does not confer on Congress the power to abolish and prohibit slavery in the States of the Union; and

WHEREAS, Slavery is incompatible with a republican government, and while it exists in any portion of our country, it must endanger her peace and prosperity and retard her progress; therefore be it

Resolved, by the General Assembly of the State of Iowa, That our Representatives in Congress be requested, and our Senators instructed, to use their utmost endeavors to procure the adoption, by Congress, of the initiatory measures whereby the Constitution of the United States may be so amended as to forever prohibit slavery in the United States, or any portion of the same, and so as to authorize Congress, by appropriate legislation, to carry into effect the provisions of such amendments.

2d. That a copy of these resolutions be forwarded by the Secretary of State to each of our Senators and Representatives in Congress at the earliest practicable period.

The resolution was read a first and second time.

Senator Dixon moved to lay the resolution on the table.

Senator Wharton called the yeas and nays.

The yeas were, Senators Crookham, Dixon, Hesser, Knoll, and Ross—5.

The nays were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Clark, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—33.

The motion was lost.

On motion of Senator Stubbs the resolution was referred to Committee on Federal Relations.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed Senate File No. 159: "A Bill for an Act supplemental to an Act passed at the present session, entitled an Act to provide for reporting, publishing, and

distributing the decisions of the Supreme Court of this State," without amendment.

Also substitute for Senate File No. 10: A Bill for an Act to amend Sec. 5, of Chapter 19, of the Acts of the Extra Session of the 9th General Assembly, entitled "an Act fixing the salaries of certain officers," with the following amendment to Section 1: by inserting in the 11th line, after the word "trial," the words "in cases of misdemeanor five dollars, and in each jury trial in cases of felony, ten," also after the word "collected," in 13th line, insert the words "by him."

Senate File No. 137: "A Bill for an Act making appropriations for the payment of State and Judicial Officers, Interest on State Bonds and Loans, and for other purposes," with the following amendment: Strike out of 2d line of Section 2, the words "clerk in the Executive office," and insert the words "Private Secretary of the Governor." In all of which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk H. R.

By consent, Senator Hesser introduced Senate File No. 181: A Bill for an Act to legalize the Acts of the Board of Mayor and Aldermen of the town of Fort Madison. The Bill was read a first and second time, and referred to Committee on Ways and Means.

Senator Foote called up Senate File No. 137: A Bill for an Act making appropriations for the payment of State and Judicial officers, interest on State bonds and loans, and for other purposes.

The question being upon the concurrence of the Senate in the House amendment,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, Wharton, Woolson and Young—38.

The nays were, none.

Absent and not excused, Senator Ross.

The Senate concurred.

Senator Boardman called up Senate File No. 60: A Bill for an Act to amend Chapter 172 of the Acts of the 9th General Assembly of the State of Iowa, entitled an Act to amend and consolidate an Act passed by the Board of Education, Dec. 24th, 1859, entitled an Act to amend an Act entitled an Act to provide a system of Common Schools, and the amendments thereto.

The Bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brayton, Boardman, Clark, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of

Van Burn, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen and Woolson—29.

The nays were, Senators Burdick, Brunson, Bridges, Cutler, Clarkson, Crookham, Hillyer, Hesser, Udell and Wharton—10.

Bill passed and title agreed to.

Senator Hogin, from Committee on Engrossed Bills, submitted the following report :

The Committee on Engrossed Bills have examined Senate File No. 51, entitled a Bill for an Act to amend Chapter 98 of the Revision of 1860, in relation to homesteads, and find the same correctly engrossed.

Senator Stubbs called up the report of Special Committee to visit State Penitentiary.

On motion of Senator Hurley the report was referred to Committee on Charitable Institutions, with instructions that the Committee prepare a Bill in accordance with their views of the subject, and report the same.

Senator Knoll called up Senate File No. 152 : A Bill for an Act for the encouragement of mining in the State of Iowa.

The substitute offered by the Committee was adopted, and the Bill read a third time.

The question now being upon the passage of the Bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Crookham, Clark, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—37.

The nays were, none.

Absent and not excused, Senator Clarkson.

Bill passed and title amended by adding before the word "mining" the word "lead."

Leave of absence was granted to Senator Burdick.

Senator McCrary of Lee, called up Senate File No. 149 : A Bill for an Act to confer certain powers upon Railroad Companies.

Senator Boardman moved to amend Section 1 by adding "provided the said preferred stock shall not operate as against any stockholder not consenting to the issuing of said preferred stock. The amendment was adopted.

The Bill was read a third time, and on the question, " Shall the Bill pass ? "

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Cutler, Clarkson, Crookham, Dixon, Foote, Gue, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, and Shippen —32.

The nays were, Senators Bridges, Clark, Hart, Wharton and Woolson—5.

Bill passed and title amended so as to read as follows: A Bill for an Act authorizing Railroad Companies to issue preferred stock, and to change the name of such companies.

Senator Foote, from Special Committee, submitted the following report:

The undersigned, a select Committee appointed by virtue of a joint resolution, "of two on the part of the Senate and two on the part of the House, with the Auditor and Treasurer of State, to destroy all the unsold and useless bonds of the State, and report the number and amount so destroyed," have performed that duty, and now would respectfully report their action.

The Committee found that of the War and Defense Bonds, provided for by the Act of the Extra Session of 1861, the Auditor had received of the denomination of one thousand dollars,

Six hundred and thirteen bonds,.....	613
--------------------------------------	-----

Two hundred and fifty-five have been sold and negotiated by the State,.....	255
---	-----

The balance, three hundred and fifty-eight, were destroyed by the Committee.....	358
--	-----

Of the denomination of five hundred dollars the Auditor had received four hundred and ten bonds.....	410
--	-----

Fifty-one have been sold and negotiated by the State... .	51
---	----

The balance, three hundred and fifty-nine, were destroyed by the Committee.....	359
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Of the denomination of one hundred dollars the Auditor had received two thousand and ten bonds.....	2010
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One hundred and ninety-five have been sold and negotiated by the State.....	195
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The balance, eighteen hundred and fifteen, were destroyed by the Committee.....	1815
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The Committee also found in the hands of the Auditor, of the loan of 1847, eight blank Bonds of the denomination of one thousand dollars each and destroyed them.

Also found of the loan of 1858, five blank Bonds of the denomination of one thousand dollars each, and six bonds of the same denomination that had been filled up, and signed but cancelled, all of which we destroyed.

Respectfully submitted,

JOHN G. FOOTE,	Committee of the Senate.
E. CLARK,	

ADDISON OLIVER,	Committee of the House.
B. B. RICHARDS,	

J. W. CATTELL, Auditor of State.
W. H. HOLMES, Treasurer of State.

By consent, Senator Boardman from Committee on Schools, submitted the following report:

The Committee on Schools and School Lands, to whom was referred House File No. 90: A Bill for an Act to abolish the Board of Education of the State of Iowa, to provide for the election of a Superintendent of Public Instruction, prescribing his duties and for other purposes connected therewith, beg leave to report that they have had said Bill under consideration and have instructed me to report back said Bill, and recommend that the same be amended as follows, to wit: Strike out the second Section and insert the following in lieu thereof:

SECTION 2. A Superintendent of Public Instruction shall be appointed by the Governor, who shall hold his office until the first day of January, 1865. At the general election in 1866, and every two years thereafter, a Superintendent of Public Instruction shall be elected in the same manner as other State officers, who shall enter upon the duties of his office on the first day of January succeeding his election, and shall hold his office for two years and until his successor is elected and qualified.

Also strike out of twelfth line of Section 8 the word Sub-District and insert in the place thereof the words School officer in his county, to be handed to his successor in office, and thus amended your committee recommend its passage.

N. BOARDMAN, Chairman.

By consent, Senator Hunt introduced Senate File No. 182: A Bill for an Act to regulate the traffic in spirituous liquors. The Bill was read a first and second time and referred to Special Committee on Liquor Law.

Senator Woolson called up Senate File No. 63: A Bill for an Act supplemental to an Act of the 9th General Assembly entitled an Act for the better protection of the School Fund.

The recommendation of the Committee was concurred in, and Section 3 was stricken out.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report: That they have examined Senate File No. 99: "A Bill for an Act for the encouragement of Public Libraries;" House File No. 35: "An Act providing for canvassing the votes for Senators and Representatives in the General Assembly, elected by districts composed of more than one county;" House File No. 60: "An Act to extend the provisions of Article four, of Chapter fifty-four, of the Revision of 1860, so as to apply to the construction of mill races;" and find the same correctly enrolled.

J. A. PARVIN, Chairman.

On motion of Senator Henderson, the Senate adjourned till Monday next at 10 o'clock, A. M.

SENATE CHAMBER,
DES MOINES, February 29th, 1864.

The Senate convened at 10 o'clock A. M.
Prayer was offered by Rev. Mr. Bird.
Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Patterson: A remonstrance of 215 citizens of Floyd County against the repeal of the present Prohibitory Liquor Law. Also a remonstrance of 253 ladies of Floyd County on same subject. Referred to Committee on Liquor Law.

INTRODUCTION OF BILLS.

By Senator Crookham, Senate file No. 183: A Bill for an Act to disqualify traitors from voting and holding office in Iowa. The Bill was read a first and second time, and referred to Committee on Federal Relations.

By Senator Brunson, Senate File No. 184: A Bill for an Act to repeal Section 2361 of the Revision of 1860, and provide a substitute therefor. The Bill was read a first and second time and referred to Judiciary Committee.

By consent, Senator Stubbs introduced the following joint resolution:

WHEREAS, By Act of Congress, May 15th, 1856, certain lands were granted to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State, and,

WHEREAS, By the provisions of said act said roads were required to be completed within ten years from the date of the approval thereof, and,

WHEREAS, Owing to the great financial crisis and the great scarcity of labor caused by the demand of the Government for men in putting down the rebellion, the railroad companies have been unable to comply with requirements of said Act, and will be unable to complete said roads before the expiration of the time allowed by said Act, therefore,

Resolved by the General Assembly of the State of Iowa, That our Senators be instructed and our Representatives in Congress be requested to use their influence to secure the passage of a law extending the time as fixed in said Act for the construction of said roads for the term of six years from and after the 15th day of May, 1866, subject to such conditions as the General Assembly of this State may impose concerning the progress and completion of said roads, and the adjustment of conflicting claims to said lands or any part of them growing out of said grant.

Senator Henderson moved to amend the resolution by striking out all after the figures "1866."

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has concurred in Senate amendment to House substitute for Senate File No. 5: A Bill for an Act to provide for the payment of taxes and the interest and principal of the School Fund in Treasury notes, issued as legal tender by the authority of the Government of the United States, and notes of National Banks, and have amended the title by adding the words, "and notes of the State Bank of Iowa."

The House has also concurred in the "Joint Resolutions recommending certain changes in the Act of Congress approved July 1st, 1862, establishing a Pacific Railroad and branches," and have amended first resolution by striking out the word "requested," after the words "Senators in Congress be," and inserting the word "instructed," and striking out the word "instructed" after the word "Representatives," and inserting the word "requested."

And has passed House File No. 123: A Bill for an Act to provide for the appointment of Sanitary Agents, and define their duties, and to provide for their compensation.

In all of which the concurrence of the Senate is respectfully asked.

Also, Senate File No. 178: A Bill for an Act to legalize certain taxes heretofore levied by County Boards of Supervisors.

Also, Senate File No. 126: A Bill for an Act to amend Chapter 37 of the Revision of 1860, in relation to Contested Elections, without amendment.

JACOB RICH,

Chief Clerk House Representatives.

On motion of Senator Roberts, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

By consent, Senator Stubbs introduced Senate File No. 185: A Bill for an Act to appropriate money to pay off certain judgments against the Warden of the Iowa Penitentiary.

The bill was read first and second times and referred to the Committee on Ways and Means.

By consent, Senator Clarkson offered a petition of the attorneys of Blackhawk county, praying that Blackhawk county be attached to the 12th Judicial District. Referred to Committee on Judicial Districts.

Senator Parvin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate File No. 159: "An Act supplementary to an act passed at the present session, entitled An Act to provide for reporting, publishing and distributing the decisions of the Supreme Court."

Also, Senate File No. 137: "An Act making appropriations for the payment of State and Judicial officers, interest on State Bonds and Loans, and for other purposes," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

Senator Hurley introduced Senate File No. 186: A Bill for an Act to amend Chapter 137 of the Laws passed at the 9th General Assembly.

The bill was read a first and second time and referred to Judiciary Committee.

Senator Merrill introduced Senate File No. 187: A Bill for an Act to direct the Adjutant General to make a Report Jan. 1st, 1865, and to provide for publishing and distributing the same. The Bill was read a first and second time, and referred to Committee on Military Affairs.

Senator Saunders offered a petition of Chas. F. Hetzel and thirty-seven others for alteration of road law in relation to posting notices. Referred to Committee on Roads.

Senator Hillyer introduced Senate File No. 188: A Bill for an Act granting certain lands to the Burlington and Missouri River Railroad Company. The Bill was read a first and second time, placed on file and ordered to be printed.

Senator Bassett called up Joint Resolution recommending certain changes in the act of Congress, approved July 1st, 1862, establishing a Pacific Railroad and branches.

The Senate concurred in the House amendment.

Senator Patterson introduced Senate File No. 189: A Bill for an Act to legalize the acknowledgment of written instruments requiring record in certain cases. The Bill was read a first and second time, and referred to Judiciary Committee.

Senator Udell, from Special Committee, submitted the following report.

MR. PRESIDENT:—The Select Committee to whom was referred a petition from the County Board of Supervisors of Appanoose County, asking for a Special Act authorizing the revision of Real Estate Indexes, have instructed me to report by Bill and recommend its passage.

UDELL.

Also Senate File No. 190: A Bill for an Act authorizing the transcribing and comparing of certain Indexes of Appanoose county. The Bill was read a first and second time.

On motion of Senator Udell, the 11th rule was suspended and the Bill was read a third time.

The question now being upon the passage of the Bill,

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hillyer, Hesser, Hunt, Hatch, Jennings, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson.—36.

The nays were, Hurley, Hilsinger and Knoll.—3.

Absent without excuse, Senator Brown.

Bill passed and title agreed to.

Senator Gue introduced Senate File No. 191: A Bill for an Act to amend Section 1734 of Chapter 67 of the Revision of 1860. The Bill was read a first and second time, and referred to Committee on Agriculture.

On motion of Senator Woolson, the Senate resumed the consideration of Joint Resolution offered by Senator Stubbs.

On motion of Senator Shippen, the Senate adjourned.

SENATE CHAMBER, }
Des Moines, March 1st, 1864. }

Senate convened at 10 o'clock A. M.

Prayer was offered by the Rev. Thompson Bird.

Journal of yesterday read and approved.

On motion of Senator Dixon the Senate took up the report of the Special Committee appointed to visit the Insaue Asylum, and the report was ordered to be printed.

The Senate resumed the consideration of the joint resolution offered by Senator Stubbs.

The question being upon the adoption of the amendment offered by Senator Henderson to strike out all of the resolution after the figures 1866,

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Clarkson, Henderson, Hunt, Jennings, Knoll, Patterson, Roberts, and Saunders—12.

The nays were, Senators Brayton, Boardman, Bridges, Cutler, Crookham, Clark, Dixon, Foote, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Stubbs, Shippen, Udell, Wharton and Woolson—30.

The amendment was not adopted.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your Honorable

Body that the House of Representatives has passed Senate File No. 152: "A Bill for an Act for the encouragement of *lead mining* in the State of Iowa," without amendment.

The House has concurred in the Senate "joint resolution instructing our Senators in Congress and requesting our Representatives to procure the passage of a law granting bounties to soldiers," and has amended the same as follows: striking out after the words "consequence of" the words "wounds received or," in which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk, H. R.

Senator Henderson moved that the resolution be indefinitely postponed.

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Cutler, Clarkson, Gue, Henderson, Hunt, Jennings, Knoll, Patterson and Saunders—13.

The nays were, Senators Brayton, Bridges, Crookham, Clark, Dixon, Foote, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Stubbs, Shippen, Udell, Wharton and Woolson—28.

Absent without excuse, Senator Boardman.

The motion did not prevail.

Senator Saunders moved to amend the resolution by adding the words "not inconsistent with the purposes of said Act of Congress of May 15th, 1856."

On the question of the adoption of the amendment,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Cutler, Clarkson, Gue, Henderson, Hunt, Jennings, Knoll, King, Merrill, Patterson, Roberts and Saunders—18.

The nays were, Senators Bridges, Crookham, Clark, Dixon, Foote, Hart, Hogin, Hillyer, Hesser, Hatch, Hilsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Stubbs, Shippen, Udell, Wharton and Woolson.—23.

Absent without excuse, Senator Hurley.

The amendment was not adopted.

The question now being upon the adoption of the resolution.

The yeas were, Senators Brayton, Bridges, Crookham, Clark, Dixon, Foote, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Stubbs, Shippen, Udell, Wharton and Woolson.—26.

The nays were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Cutler, Clarkson, Gue, Henderson, Hunt, Jennings, Knoll, King, Patterson, Roberts, and Saunders.—16.

The resolution was adopted.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills beg leave to report that they

have presented to his Excellency, the Governor, for his signature, Senate File Nos. 99, 137 and 159.

J. A. PARVIN, Chairman.

On motion of Mr. Hart, the Senate adjourned.

AFTERNOON SESSION.

REPORTS OF COMMITTEES ON FILE.

The Senate resumed the consideration of Senate File No. 63: A Bill for an Act supplemental to an Act of the 9th General Assembly, entitled An Act for the better protection of the School Fund.

The first amendment recommended by the committee was adopted.

The second amendment recommended by the committee was adopted.

Senator Woolson moved to amend the report by inserting in section 14, after the word "annually," the words, "on the first day of January."

The amendment was adopted.

Senator Crookham moved to amend the substitute for section 14, by inserting after the word "payable," the words, "in advance."

The amendment was not adopted.

The substitute for section 14, recommended by the committee, was not adopted.

The fourth amendment recommended by the committee was adopted.

Section 16—the publication clause, was adopted.

Senator Henderson moved to amend section 2, by inserting after the word "funds," the words, "receivable for taxes."

The amendment was adopted.

Senator McCrary, of Lee, moved to amend section 2, by adding: Provided, That any expense incurred by the Treasurer of State in investing the School Fund in Bonds, as herein provided, shall be paid out of the State Treasury, provided the account therefor shall be audited by the Auditor of State as other claims.

The amendment was adopted.

On motion of Senator Woolson, the word "an," in the fifth line of section 6, was stricken out.

Senator Woolson moved the following amendments:

Strike out in 6th line of section 5, the words, "in such form as," and insert the words, "to the," and after the word "Auditor," insert, "in such form as he;" and strike out the words, "to such Auditor," in the 7th line.

Also, in the 4th line of section 9, after the word "proceeding," insert the words, "together with the amount of notes cancelled," and add to the end of 5th line of section 9, the words, "showing the amount of notes cancelled and the costs in each case—in its permanent School Fund account."

Also, at the end of section 14, add the words, "payable annually."

Also, in the 5th line of section 16, after the words "School Fund," insert the words, "allowing a proper margin for uncollectable tax."

The amendments were adopted.

On motion of Senator Hilsinger, the bill was ordered to be engrossed and read a third time to-morrow.

Senator Boardman called up House File No. 90: A Bill for an Act to abolish the Board of Education of the State of Iowa—to provide for the election of a Superintendent of Public Instruction, prescribing his duties, and for other purposes connected therewith.

Senator Patterson moved to amend the substitute, for section 2, recommended by the committee, by striking out the words, "appointed by the Governor," and insert, "elected by the present General Assembly."

Leave of absence was granted to Senator Burdick.

The question being upon Senator Patterson's amendment, Senator McJunkin called the yeas and nays.

The yeas were, Senators Brunson, Cutler, Crookham, Jennings, Knoll, King, Moore, Merrill, Patterson, Ross and Wharton.—11.

The nays were, Senators Bassett, Brayton, Boardman, Bridges, Clark, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, McMullen, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell and Woolson.—26.

Absent and not excused Senators Brown and Clarkson.

The amendment was not adopted.

Senator Saunders offered the following amendment as a substitute for Section 2: A Superintendent of Public Instruction shall be elected by the General Assembly and shall hold his office for two years and until his successor is elected and qualified.

On the question of the adoption of this amendment,

The yeas were, Senators Brown, Cutler, Clarkson, Foote, Hesser, Jennings, Knoll, McCrary of Lee, Merrill, Patterson, Ross, Saunders, Stubbs, Wharton and Woolson—14.

The nays were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Crookham, Clark, Dixon, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Van Buren, Moore, McMullen, Parvin, Roberts, Shippen, and Udell—26.

The amendment was not adopted.

The question now being upon the adoption of the substitute for Section 2,

The yeas were, Senators Bassett, Brayton, Boardman, Brown, Bridges, Crookham, Clark, Dixon, Foote, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillen, Merrill, Parvin, Ross, Roberts, Saunders, Shippen and Udell—31.

The nays were, Senators Brunson, Cutler, Clarkson, Jennings, Knoll, Patterson, Stubbs, Wharton and Woolson—9.

Senator Henderson excused.

The substitute was adopted.

The amendment recommended by the Committee, to Section 8, was adopted.

Senator Udell moved to strike out Section 6.

The motion was lost.

Senator Udell moved to strike out Section 7.

The motion was lost.

Senator Udell then moved to strike out Section 11.

The motion was lost.

Senator Brown offered the following amendment to Section 11: Strike out all after the word "shall," in the thirty-first line and insert the following: "Employ the same in the purchase of a Library to be kept by the County Superintendent for the use of the Teacher's Institute, and the teachers of the county, and to appropriate the sum of \$75 annually for the use of Institutes, instead of \$50.

The amendment was not adopted.

Senator Woolson moved to amend Section 1 by adding the words: "All powers conferred and duties imposed upon the Board of Education by the Constitution and Laws of this State shall hereafter be exercised and performed by the General Assembly."

The amendment was adopted.

Senator Wharton moved to amend Section 12 by striking out the word "thirteen" and inserting the word "ten."

The amendment was not adopted.

Senator McCrary of Lee called up Senate File No. 10: A Bill for an Act to amend Section 5, of Chapter 19, of the Acts of the 9th General Assembly, entitled an Act fixing the salaries of certain officers.

On motion of Senator Henderson Senators Jennings and Knoll were excused.

The question being upon the concurrence of the Senate in the House amendment,

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Cutler, Clarkson, Clark, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hillyer, Hesser, Hatch, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Shippen, Udell and Woolson—30.

The yeas were, Senators Brown, Bridges, Crookham, Hunt, Hilsinger, Patterson, Stubbs and Wharton—8.

Absent and not excused—Senator Hurley.

The Senate concurred.

Senator Henderson, announced to the Senate that Senator Jennings had just received intelligence of the death of his wife, and asked that he be excused.

Granted.

On motion of Mr. Roberts the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 2d, 1864.

Senate convened at 10 o'clock.

Prayer was offered by the Rev. Thompson Bird.

The Journal of yesterday was read and approved.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed Senate File No. 1: "A Bill for an Act to repeal Chapter 17 of the Extra Session of the Ninth General Assembly, 1862, entitled An Act to provide for the protection of the Southern Border," without amendment.

JACOB RICH,
Chief Clerk House Representatives.

The Senate resumed the consideration of House File No. 90: A Bill for an Act to abolish the Board of Education of the State of Iowa, to provide for the election of a Superintendent of Public Instruction, and for other purposes.

Senator Boardman moved to add, after the words 1860, in the third line of section 13, the words, "being section 2020 of the Revision of 1860."

The amendment was adopted.

The bill was read a third time, and the question being upon the passage of the bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clark, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary, of Lee, McCrary, of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, and Woolson—37.

The nays were, Senators Clarkson, Crookham, Hillyer, Shippen, Udell, and Wharton—6.

Absent without excuse, Senator Young.

Bill passed and title agreed to.

By consent, the following Bills were introduced, and reports submitted:

By Senator Ross: Senate File No. 192: A Bill for an Act to allow the Board of Supervisors of any organized county to assume the payment of any obligation created by the Trustees of any township, for the construction of bridges, streets, or highways. The Bill was read a first and second time, and referred to Committee on Township and County Organization.

Also Senate File No. 193: A Bill for an Act to regulate the levy of certain taxes. The Bill was read a first and second time, and referred to the same Committee.

On motion of Senator Woolson, Senate File No. 106: B Bill for an Act to provide for the purchase of the building used as a Capitol, and the lots on which the same is situated, and to secure the School Fund, and for other purposes, was taken up, and made the special order for March 3d, at 10½ o'clock, A. M.

Senator Boardman introduced Senate File No. 194: A Bill for an Act granting to Railroad Companies the right of way through streets of incorporated cities and towns in this State. The Bill was read a first and second time, and referred to Committee on Railroads.

Senator Henderson, from Committee on Federal Relations, submitted the following report.

The Committee on Federal Relations, to whom were referred the annexed Joint Resolutions, in relation to additional mail facilities, have had the same under consideration and directed me to report the same back and recommend their passage.

Also Joint Resolution in relation to the colonization of free blacks in some portion of the territory reclaimed from the rebels, and I am directed to report the same back and recommend its indefinite postponement.

The Joint Resolution passed by the House, endorsing the administration of President Lincoln we have had under consideration, and a majority of the Committee have directed me to report the same back without amendment and recommend the adoption of the same.

The House resolution endorsing the administration of Governor Kirkwood, we have also had under consideration and a majority of the Committee have directed me to report the annexed substitute therefor, and recommend the passage of the same.

H. C. HENDERSON, Chairman.

Senator Knoll, from the same Committee, submitted the following minority report:

The undersigned, a member of your Committee on Federal Relations, to whom was referred House Resolution endorsing the administration of Abraham Lincoln as President of the United States, and recommending his renomination and re-election to the Presidency, differing from the majority of said Committee, deems

it his duty to assign some amongst the countless reasons therefor.

1st. In the language of "reasons assigned against the renomination of Abraham Lincoln, adopted February 15th, 1864, by a Republican meeting at Davenport, Iowa," I am "for a rotation in office and against a double term, following the opinions of Presidents Washington and Jackson. Washington was strongly opposed to his own re-election and to the principle of re-election generally, and Jackson said in his message of 1830: "I cannot too earnestly invite your attention to the propriety of providing such amendment of the Constitution as will render the President ineligible after one term of office." De Toqueville, a conspicuous French author and prominent statesman, gives for the same opinion very convincing reasons.

2d. Our Presidents ought to be placed above any temptation to use the Government agents and its immense patronage for electioneering purposes, and the public opinion should not in any manner be debauched and corrupted by a great army of officers interested to keep their places.

3d. No President after Jackson has been re-elected. There is more reason now than at any other time to follow the precedents of the last thirty years, since the war has immensely increased the patronage, and thereby the danger that the President may owe his election to corrupt influences. There is also great danger for the republican form of government in a re-election of a President, who may, by repeated re-elections, become a monarch, principally, if supported by a large standing army.

4th. Mr. Lincoln has committed a series of grave blunders, to the immense detriment of the country.

5th. The undersigned has always been of the opinion that the office of President ought to be filled only by a statesman of the highest order, and Mr. Lincoln possesses none of the attributes of a statesman.

6th. That the President should not only be a patriot, but should know to justly and legally discharge the duties of a patriot, and that whilst Mr. Lincoln may be a patriot, he is nevertheless ignorant of the first duties of a patriot, which are respect for and obedience to the laws and constitution of his country.

7th. That the people elected their Senators and Representatives, to make, alter and amend laws, and to provide means for carrying on the Government, and when they got through with that, to go home and mind their own business, on the principle that they, the people, are quite jealous of their own exclusive rights, and feel themselves quite able to assume the grave responsibility of saying who their candidate for President shall be, without the unsought for and unneeded advice of their legislators.

All of which is respectfully submitted,

F. M. KNOLL, of Dubuque,
Member of Com. on Federal Relations.

Senator Stubbs from the same Committee, submitted the following report.

The Committee on Federal Relations to whom was referred the Joint Resolution in reference to the confiscation of lands owned in this State by rebels, have instructed me to report that they have had the same under consideration, and in view of the uncertainty of what construction may finally be given to the Confiscation Act of Congress by the Courts, deem it inexpedient at the present time to dictate any course to be pursued by our Senators and Representatives on this subject, and recommend that said resolution be indefinitely postponed.

D. P. STUBBS, on
behalf of Committee on Fed. Relations.

Senator Parvin, from Special Committee on "Prohibitory Liquor Law," submitted the following majority report:

A majority of the Special Committee to whom was referred "A Bill for An Act to regulate the traffic in spirituous liquors;" also, sundry petitions for, and against, a law to license the sale of intoxicating liquors, have had the same under consideration, and have instructed me to make the following report:

A majority of the petitioners are in favor of repealing the present law, and enacting a license law, similar to the bill referred to your committee, and give as reasons for the change—

First. That the present law is not enforced, and cannot be, in certain localities, because there is not moral force and energy enough in the people to enforce it.

Second. That the license law would be a source of revenue, and would decrease the number of places where liquor is sold, by driving many of the small dealers from the business. Your committee propose, briefly, to examine these two reasons for repealing the present, and enacting a license law. We feel it incumbent on us to do this, from the fact that many of your petitioners are temperance men, and are really anxious to lessen and destroy the vice of intemperance.

The present law has been on our statute book several years, and wherever enforced, has been found effectual in preventing the sale of intoxicating drinks, as a beverage. The first section reads as follows: "No person shall manufacture or sell by himself, his clerk, steward, or agent, directly or indirectly, any intoxicating liquors, except as hereinafter provided. And the keeping of intoxicating liquor, with the intent, on the part of the owner thereof, or any person acting under his authority, or by his permission, to sell the same within this State, contrary to the provisions of this act, is hereby prohibited, and the intoxicating liquors so kept, together with the vessels in which it is contained, is declared a nuisance, and shall be forfeited and dealt with as hereinafter provided."

In answer to the first objection urged against the present law,

that it is not, and cannot be enforced for want of moral influence and energy in the people in certain localities, your Committee are unable to see how a license law will increase the moral courage of those who are afraid to enforce the present one; for all agree that intemperance is a great evil, and should be brought to a close by those influences that will be the most speedy and sure in their operations. We believe a license law would have a contrary effect and encourage designing men to resist wholesome laws, where they think such laws interfere with, or prevent, the free range of their evil propensities.

Should we repeal the present liquor law, if it be a righteous and proper one, for reason that the people in certain counties will not enforce it? The undersigned think it is no argument in favor of repealing a salutary and good statute. We have abundant evidence to prove that the present law, in many counties, has been enforced, and has proved very efficient in putting a stop to the sale of intoxicating drink as a beverage, and closing many of those sinks of sin and misery commonly called "grog shops;" and, as a consequence, greatly reducing the number of criminals and paupers. Your committee are free to acknowledge that, as a common rule, laws should be made so in accordance with popular sentiment that there will be almost a universal anxiety to have them executed, and in this case, we cannot doubt, that a law which strikes at the root of so great an evil, must and will be sustained by a constituency so intelligent and moral as the citizens of Iowa.

The second reason given by your petitioners, for a license law, that it will be the means of much revenue, and drive many of the small dealers from the business, the undersigned think still of less force than the former. That it would bring money into the Treasury we do not doubt; but we think it would be like the thirty pieces of silver "*the price of blood.*" If the selling of intoxicating drinks, as a beverage, be an evil, *per se*; if it be morally wrong for a person to sell that which he knows will cause ruin and distress to his neighbors; if to entice our sons and brothers into those places of sin and debauchery, and there implant those seeds that will insure their degradation in life, and their eternal misery in the life to come; if these things be a crime, then how can a *Christian* people license such enormity? Will you enact a law authorizing persons to commit a crime? Can money wash away the blood that will cling to your skirts by such an act? If your honorable body commence such legislation, where will you stop? When you have legalized the sale of intoxicating drinks, and made the traffic therein honorable, why not, also, legalize crimes of less magnitude, such as theft, prostitution, horse stealing, &c., &c.? If the sale of intoxicating drinks, to be drank as a beverage, be morally wrong, and with all the evidence of the damning influence of such sale, the undersigned are at a loss to see how any person can doubt it, then it follows that if you legalize this crime, you may just as well legalize

any other, only requiring the person to pay into the treasury an amount of money less or more, according to the enormity of the crime for which he takes a license.

But, the advocates of a license law say, it will lessen the number of grog shops by compelling the small dealers to discontinue their business. This, the undersigned concede would be the case; but it does not follow that there would be any less liquor drank, and we cannot imagine that such would be the case. If, where there are now fifty tippling houses, by a license law you could reduce the number to ten, the result would be that the ten would sell the same amount of liquid poison that the fifty sold before. You reduce the number of shops but not the quantity of liquor. Your committee see no reason to believe that crime, misery and pauperism, would be reduced, by reducing the number of places to sell the poison, without reducing the quantity of poison sold. By licensing the sale of intoxicating drinks, by throwing around the abominable traffic the protection of law, you give credit to the business, and make it, so far as the influence and support of law can make it, respectable. The majority of your Committee think that the result would be, you would make those places of resort a little more respectable by licensing them, and thus give them more influence for evil. You would, by throwing the law around them as a protection, make these "by ways to prostitution" more enticing to our sons and brothers—to those who have not already fallen too low for self respect, and they would be more likely to frequent such places than those of an inferior order, but from whose door their degradation and ruin would be equally certain, and their road to a drunkard's grave equally short. Your committee think we should do nothing to create an odor of respectability around such an abominable business. The undersigned think it would be bad policy to throw theegis of the law around a crime that is doing more to debase society; to ruin communities; to destroy the peace of families; to corrupt our courts; to fill our jails, penitentiaries, and alms-houses; to ruin the reputation of our sons, and send them to premature graves, and to send more souls to eternal perdition than all other crimes. We think it susceptible of proof that intemperance does all of this.

Believing as we do that the present law is a good one, and if enforced would do much towards annihilating this greatest of evils, and that it is no fault in the law that there is not moral courage enough to enforce it in some particular localities, we do, therefore, recommend to your honorable body that the present liquor law be *not* repealed.

And believing, as we have stated that we have no *right* to license any thing that is morally wrong, and that it would be bad policy as well as a sacrifice of principle so to do, we do, therefore, most earnestly request that this General Assembly will pass no law licensing the sale of intoxicating drinks.

Your Committee recommend the indefinite postponement of the Bill.

All of which is respectfully submitted.

J. A. PARVIN,
W. C. SHIPPEN,
H. WHARTON.

Senator Burdick, from same committee, submitted the following minority report:

To the Senate of the State of Iowa:

The undersigned, a minority of the Special Committee on the Liquor Laws of the State, to whom was referred Senate File No. 182: "A Bill for An Act to regulate the traffic in spirituous liquors," and divers petitions and remonstrances on the subject, having considered the matter referred to them, are unable to agree with the majority of said committee, and ask leave, respectfully, to present their views on the subject for the consideration of the Senate.

They will premise by saying that they recognize intemperance as one of the greatest evils which affect mankind. It yearly carries to dishonored graves its thousands of victims, and leaves in its pathway many a broken heart and desolated home. It casts its darkening shadow across the pathway of all. Few can truthfully say that they have no near relative or dear friend who has fallen a victim to this insatiable destroyer. Few, indeed, are so fortunate as to be entirely exempt from its baleful influence. Neither the high nor the low, the rich nor the poor is safe from its polluting touch. Wherever we turn our eyes, its victims are before us with the marks of degradation stamped upon them. It is truly an insatiable foe to mankind. It then becomes the duty of the law making power, as far as is possible, to prevent its ravages, to turn back the tide which is devastating the country, and burrying beneath its dark waters many of our best and ablest men. The only question which should be considered in this connection, is, What legislation will be most likely to effect this result, so desirable to every true philanthropist? Upon this question the undersigned differ with a majority of the committee, and propose to give some of the reasons for the opinions they entertain. By the Code of 1851, the sale of spirituous liquors, by the glass or dram, was prohibited. It might be sold as an article of merchandise in quantities of one quart and upwards, but not with a view to "their being drank on or about the premises." This law was far from being perfect in its details, and yet it was quite generally enforced. While it remained in force there was, comparatively, but little drunkenness in the State. Men were very scarce who druk to excess. Thus matters progressed until the friends of temperance, (and among them was the author of this report) demanded a more stringent law. It was enacted, and what has been the result? Instead of preventing their sale, the flood gates were

thrown open, and the whole State was inundated. Villages, which before had been noted for temperance, sobriety, and good order, were soon cursed with rum holes and doggeries. Intemperance run riot unrestrained and unimpeded. And why? This question may be easily answered. The people have not been educated to look upon the use or sale of intoxicating liquors as a crime *per se*, and hence the law which declared it such was obnoxious in many localities. The popular sentiment would not sustain it. This may not speak well for the intelligence and morality of the people, but it must be borne in mind that only a few years ago the parlor sideboard was deficient in what was deemed a very important appendage if it was not supplied with decanters filled with old cogniac and sparkling catawba. The farmer thought he could not harvest his crops of grain without a jug of whisky in the field. The mechanic was not expected to perform his daily work without the use of some exhilarating beverage. Spirituous and vinous liquors were considered proper articles of merchandize, and were kept for sale in nearly every country or city store.

The people reasoned that if it be a crime now to use and vend ardent spirits, it was not the less a crime then, and they were unwilling to recognize their fathers and grand-fathers as criminals. Besides it having been esteemed a right so long that "the memory of man runneth not to the contrary," many considered it a prescriptive privilege. The petitions which are almost daily pouring in upon us, asking the repeal of the prohibitory law, tell us in language too plain to be misunderstood that a large and respectable proportion of the people believe the law to be unwise and unjust. Upon these petitions is recognized by the undersigned many of the best and most law abiding citizens of the State, some of whom the people in the different localities have honored with places of responsibility and trust. It is no justification for resisting a law that it is deemed unjust, but it furnishes an excuse for such resistance. Hence the undersigned are of the opinion that the present law will never be enforced. For eight years it has stood upon the statute books of the State, and in most of the counties has been entirely inoperative. In some few of the interior counties it has been enforced a part of the time, but in the counties where the larger cities and towns are found, and where protection against the evils of intemperance is most needed, it is entirely inoperative. Now and then, in some localities, a spasmodic effort has been put forth to enforce it, and resulted in engendering unkind and unpleasant feelings, and, in not a few cases, in the destruction of private property. In the end the attempt was abandoned, without producing any beneficial results. In all the river towns, and in most of the larger towns in the interior, free whisky is the order of the day. Saloons of every grade, from the well furnished hall, with festooned walls, and costly furniture, to the lowest doggery, where vice and licentiousness run riot, are found in all our princi-

pal cities and villages. At the better conducted saloons the devotee of Bacchus may obtain a drink or two, and then passing down through each successive grade, he emerges from the lowest sink-holes of iniquity and goes staggering home to his worse than widowed wife and worse than orphan children. This is no flight of fancy; it has its sad reality in most of the important towns in the State, and this too, under the most stringent prohibitory liquor law that the ingenuity of man can devise. The law then has proved a practical failure.

But it is claimed that this is no fault of the law, that the people and the officers who are chosen to administer it are responsible. To the undersigned, at least, it is evidence that it is impolitic, and worse than folly to legislate upon these moral questions in advance of the popular sentiment. The theorist may speculate as he will about "the good time coming," when man will drink such beverages only as are provided for his comfort by the Great Father of us all, but the practical thinking man, if the evil cannot be prevented entirely, at once will cast about him to see if some method cannot be devised which will diminish and control the evil. If the traffic in spiritous liquors cannot be prevented would it not be wise to control it? If men will deal it out to their fellow men, which has thus far proven to be the case, why not place them under restrictions to keep an orderly house, not to sell to minors, and not to allow gaming, &c.

Again many who are engaged in the liquor traffic are amassing fortunes, and aside from a small license that they pay to the General Government are doing comparatively nothing to sustain the Government, whether county, State or national; and while the people are being taxed to maintain the paupers, which their traffic entails upon the community, it is but just that they should bear at least their proportionate share of the expense.

What then is the true policy of the State? While the undersigned would not recommend the entire repeal of the present law, yet they would recommend that the Board of Supervisors in the several counties be empowered to grant licenses for the sale of spirituous and vinous liquors, requiring the applicant to pay at least two hundred dollars into the county treasury, and to give bond, with approved securities, to keep an orderly house, &c., and leave the provisions of the present law to apply to counties in which licenses are not granted, and to persons in those counties in which they are granted who do not obtain the license. They believe that such a law would dry up three-fourths of the places where liquor is now sold, as it would be for the interest of those obtaining license to see that the law is enforced against those who do not, and in counties in which the popular sentiment will sustain the present law the Supervisors will doubtless refuse to grant licenses.

Being a minority of the committee, the undersigned do not feel

at liberty to report by bill nor to suggest amendments to the one referred to the committee of which we are members.

Being unable to perfect and present a bill embodying their views, for the reason that a majority of the committee are opposed to the proposition, the undersigned ask to be discharged from any further service on said committee.

All of which is respectfully submitted.

M. V. BURDICK.

Whilst I do not agree with *all* the positions taken in the above report, I, nevertheless, sign the same.

F. M. KNOLL.

The Senate resumed the consideration of reports of committees on file.

The petition of Geo. C. Goss and others, for the relief of sheep owners, was taken up and indefinitely postponed.

Senate File No. 138: A Bill for an Act to amend Chapter 16 of the Revision of 1860, in relation to Notaries Public, was taken up.

Senator Hilsinger moved to strike out the word "two," in the first section, and inserting the word "three."

The amendment was adopted.

The question now being upon the passage of the bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Wharton and Woolson—36.

The nays were, Senators Brown, Dixon, McJunkin, Stubbs and Udell—5.

Absent without excuse—Senators Henderson and Young.

Bill passed and title agreed to.

The Petition of citizens of Marshall county asking for the better protection of timber and to provide for the growing of the same, was taken up and indefinitely postponed.

Senate File No. 128: A Bill for an Act to repeal a portion of Section 4347 of the Revision of 1860, was taken up.

Senator Roberts moved that the Bill be indefinitely postponed.

On this question, Senator McCrary of Lee, called the yeas and nays.

The yeas were, Senators Bassett, Boardman, Brown, Cutler, Clarkson, Clark, Dixon, Flaugh, Hart, Knoll, Moore, Patterson, Roberts, Stubbs and Shippen—15.

The nays were, Senators Brunson, Brayton, Bridges, Crookham, Foote, Gue, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Merrill, Parvin, Ross, Saunders, Udell, Wharton and Woolson—25.

Senator Henderson excused.

Absent without excuse—Senator Young.

The motion was lost.

The question now being upon the passage of the Bill,

The yeas were, Senators Brunson, Brayton, Brown, Foote, Gue, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillen, Merrill, Parvin, Ross, Saunders, Shippen, Udell and Woolson—24.

The nays were, Senators Bassett, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Flauth, Hart, Knoll, Moore, Patterson, Roberts, Stubbs and Wharton—18.

Absent without excuse—Senators Burdick and Young.

Bill passed and title agreed to.

Senate File No. 129: A Bill for an Act to amend Section 4207 of the Revision of 1860, was taken up and read a third time.

The question being upon the passage of the Bill,

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flauth, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—39.

The nays were, none.

Absent without excuse—Senators Burdick and Young.

Bill passed and title agreed to.

The petition of O. P. Reeves was taken up, and referred to Committee on Agriculture.

Senate File No. 114: A Bill for an Act legalizing the acts of A. H. Patterson, a Notary Public of Washington county, was taken up, and recommitted to the Judiciary Committee, with instructions that they prepare a Bill to embrace all cases of a like character.

Senate File No. 17: A Bill for an Act legalizing the acts of Henry Green, was taken up, and recommitted to same Committee, with same instructions.

Senate File No. 103: A Bill for an Act defining further duties for the Recorder of Deeds, and his compensation, was taken up.

Senator Udell offered the following amendment to Section 3: "said fees to be retained by the Recorder as a compensation for said extra services."

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate File No. 126; "A Bill for an Act to amend Chapter 37 of the Revision of 1860, in relation to contested elections"

Also House File No. 54: "An Act to legalize the Acts of counties and municipal corporations in levying taxes and making appropriations for the benefit of volunteers or their families."

Also Senate File No. 178: "An Act to legalize certain taxes heretofore levied by county Boards of Supervisors."

Also "joint resolution recommending certain changes in the Act of Congress approved July 1st, 1862, establishing a Pacific Railroad and branched," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

On motion of Senator Borwn the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

The Senate resumed the consideration of Senate File No. 103: A Bill for an Act defining fnrther duties for the Recorder of Deeds, and his compensation.

Senator Woolson moved to amend the amendment offered by Senator Udell by adding the words "in all counties having less than ten thousand inhabitants." The amendment was not adopted.

The question now recurring upon Senator Udell's amendment, The amendment was not adopted.

Senator Woolson moved to add to Section 3 the words "to be paid by the person presenting the deed for transfer." The amendment was adopted.

Senator Udell moved to strike out of Section 3 the word "fifty," and inserting the word "twenty-five." The amendmet was adopted.

Senator Brown moved to insert in the second line of section 3, after the word "the," the words, "examine and."

The amendment was adopted.

Senator King moved to strike out Section 3. The motion was lost.

Senator Woolson moved to strike out all of the 7th line of Section 2, after the word "demand." The amendment was adopted.

Senator McCrary, of Lee, moved to strike out the word "subsequent," in the fourth line of section 1, and insert after the word "title," in the fifth line, the words, "hereafter presented for record."

The amendment was adopted.

Senator Dixon moved to strike out of section 1, the words, "recorders of the several counties," and insert, "recorder of each county in this State."

The amendment was adopted.

Senator Hillyer moved to strike out the word "may," in the first line of section 4, and insert the word "shall."

The amendment was adopted.

Senator McCrary, of Van Buren, moved that the bill be indefinitely postponed, and called for the yeas and nays.

The yeas were, Senators Bassett, Burdick, Brunson, Clark, Flaugh, King, McCrary of Van Buren, Parvin, and Udell—9.

The nays were, Senators Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Dixon, Foote, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Shippen, Wharton, Woolson, and Young—31.

Absent without excuse, Senators Cutler and Udell.

The motion was lost.

On motion, the bill was ordered to be engrossed and read a third time to-morrow.

Senator Hunt, by consent, offered the following resolution:

Resolved, That the Senate has heard, with deep regret, of the irreparable loss inflicted by an inscrutable Providence upon our fellow-Senator, the Hon. J. D. Jennings, of Dubuque, in the death of his wife, at all times the severest application, but deepened in his case by the fact that by his official duties here, he was unable to sustain the beloved head or soothe the last moments of the departing one in her dying agony.

Resolved, That we tender him our heartfelt sympathy in his bereavement, and that, as a mark of respect the Senate do now adjourn.

The resolution was unanimously adopted,
And the Senate adjourned.

SENATE CHAMBER, }
Des Moines, March 3d, 1864. }

The Senate convened at 10 o'clock A. M.
Prayer was offered by Rev. Mr. Chamberlain.
Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Wharton: By citizens of Cedar County, asking for a more stringent liquor law.

Referred to Special Committee on Liquor Law.

By Senator Shippen: A remonstrance against the repeal of the present prohibitory liquor law.

Referred to same Committee.

Senators Parvin, Wharton, Shippen and Burdick asked to be excused from serving longer upon the Special Committee on Liquor Law.

The Senate refused to excuse them.

Senator Stubbs, by consent, submitted the following report from Committee on Charitable Institutions:

The Committee on Charitable Institutions to whom was referred the report of the Joint Committee on the State Penitentiary, with instructions to report a Bill, have had the same under consideration and have instructed me to report the accompanying Bill.

D. P. STUBBS, Chairman.

Also Senate File No. 195: A Bill for an Act for the improvement of the State Penitentiary.

The Bill was read a first and second time and referred to Committee on Ways and Means.

By consent, Senator McJunkin introduced Senate File No. 196: A Bill for an Act to amend Section 89, of Chapter 172 of the Acts of the 9th General Assembly, and to authorize independent School Districts, to levy a tax of not to exceed ten mills on the dollar in any one year, on the taxable property of such District.

The Bill was read a first and second time and referred to Committee on Schools.

Senator Woolson, from Special Committee on Des Moines River Land Grant, by consent, submitted the following Report:

The Select Committee upon the Des Moines River Lands and Improvement, beg leave to make a further report:

First: They have duly considered the memorial of the Keokuk, Fort Des Moines & Minnesota Railroad Company, asking that certain lands shall be certified to said Company, and the bill referred to them by the Senate, being Senate File No. 156, and give the following as the result of their investigations: They find that by an Act approved March 3, 1860, and the Diversion Act (so called), approved March 22, 1858, this Railroad Company, sometimes called the Des Moines Valley Railroad Company, were to have performed certain work on the Des Moines River Improvement, and paid certain claims within two years from the time certain lands should be certified to said company, (see Revision of 1860, pages 908 to 913.) As these lands have never been certified to such company, and as the State has never had the lands to certify, your committee are of the opinion that the company is not in default in that part of its contract, although it has neither made any of the improvements on said river, nor paid any of the said demands. It seems evident that the inducements to the company to undertake the contract, was the offer of the remaining lands; those lands having proved to be without title in the State, the consideration for its undertaking failed, and the State could not require it to fulfill the contract.

This Railroad Company has, however, progressed with their road until it has 53 miles in operation, under the requirements of the acts, and as Congress has, by act of July 12th, 1862, granted to the State "the alternate sections lying within five miles on each side of the Des Moines River, from the Raccoon Forks to the north

line of State," including indemnity lands for such as may have been otherwise disposed of, the company now ask that there be certified to them in accordance with the Diversion Act of March 22d, 1858, 318 sections of said lands, being at the rate of 6 sections to the mile of finished road, or 120 sections for every 20 miles, as provided in said act.

To enable the General Assembly to act understandingly, we should know how much land there is undisposed of, in the grants now subject to this disposition. On enquiring at the office of the Register, the committee are informed that the following is an approximation to the amounts, subject, however, to be increased or diminished, as the title to the lands granted by the State heretofore lying above the Raccoon fork shall prove valid, or fail, viz:

Odd sections within 5 miles on each side of the river, from the Raccoon fork to the north line of the State, in acres.....	560,820
Of this there is lying between the fork aforesaid and the north line of the 15 mile limit of the line of the Dubuque & Sioux City R. R., estimated.....	367,780
Leaving between that north line and the north line of the State, estimated.....	228,000
The department at Washington issued to this State land scrip as indemnity for lands sold by the State, the title to which has failed.....	300,000

Making the probable total of acres.....	528,000
In addition the Washington Department retained, to be hereafter issued, if it should find the failed titles to exceed the 300,000, scrip for 40,000 acres more, making a possible total of.....	568,000

But as experience has shown that this Department may commit errors, prudence suggests that we take not more than the lesser number for our present purposes.

The Diversion Act appropriates 10,000 acres to every \$30,000 of the debts and improvements, and then donates the balance to the completion of the railroad, one-fourth of which must be expended above the Raccoon forks. The debts are estimated, with the interest accumulated, at \$120,000, which, at the above rate, will consume 40,000 acres ; and as one-fourth of the remainder is to be expended above the forks, we must now deduct that, so that the account will stand as follows :

Probable amount of land subject to disposition....	520,000
Deduct to pay debts, &c.....	40,000

Leaving, to build Railroads,	480,000
From which deduct one-fourth,	120,000

Leaving, to be used below the forks,.....	360,000
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From this deduct the 318 sections equal to 203,520 acres asked for by the Company, and it leaves to be subsequently applied in constructing the remainder of the Road from Eddyville to Des Moines, acres,..... 156,400

Your committee are of the opinion that the State should deal liberally with all these Railroad enterprises, as it has ever done, and in so doing it should be careful of all interests involved. That the General Assembly which passed the Diversion Act expected the lands would enable the R. R. Company to complete the Road to Des Moines, is evident from the fact of its requiring one-fourth of the lands to be expended above the Raccoon Fork; and your committee feel that it is important that that expectation shall not be lost sight of. If so, nearly all the lands as are now asked for be used in building 53 miles of the road below Eddyville, there is so much the less prospect of a continuation of the Road above that point. They are, therefore, of the opinion that while this Company is entitled to a proper share of these lands now, they are not willing to recommend that so large a share as asked for be given them at the present time.

It is now evident that the works on the River Improvement, so-called, will never result in any benefit to the people of the State, but on the contrary will always be a source of annoyance and continual expense; although by the terms of the Diversion Act, that this Company was to expend of the moneys received from these lands, enough to complete three or four dams and locks, when the land be received by it. Yet, as in the opinion of your committee, such completion will not be sufficiently beneficial to any interests to warrant the expenditure, they recommend that the Company be permitted to compromise with those persons who have leases of water power from the State, and other claims arising out of the same, and abandon the works altogether, except such as the State has paid or otherwise arranged, and that the Company be required to expend the money thus saved in extending their road.

The committee recommend that there be now certified to said Company 240 sections of said land, to take effect when the proper papers are received from Washington, one-half of which, only, shall be taken for the lands within five miles on each side of the West branch of the Des Moines river, and the other half from lands lying outside of the five mile limit. On inquiry at the office of the Register, we find that the scrip before mentioned has been located on both odd and even sections along the East Fork of the Upper Des Moines River, as well as in lands in different portions of the North-West. What will be the decision of the Land Department at Washington, in regard to these selections, we do not know, but we propose to incorporate such provisions into the bill we shall ask leave to introduce, as will effectually protect the State from any danger of loss or entanglement by reason of the uncertainty of

location or amount of these lands. We should add, that all attempted location on even sections along the river, have been done under the indemnity grant, and not as lands "in place," or as parts of what is known as Des Moines River Lands. As these even sections were subject to entry, we see no reason why they could not be entered as indemnity lands as well as any other lands subject to entry outside the five mile limit.

Your committee have also fully considered Senate File No. 157, and also the following described claims referred to them:

O. P. H. Scott, judgment vs D. M. N. & R. R. Co..	\$6987.32
Peter Tobie, judgment vs D. M. N. & R. R. Co....	8893.81
H. K. Love & Co. judgment vs D. M. N. & R. R. Co..	2573.64
J. C. Walker & Bro. judgm't vs McKay, Com'r.....	101.40
" " " " "	827.20
J. J. Kinnersly, for building Lock Gates,.....	2000.00
Martin Kays, damage to mill,.....	9000.00

(Some of the above include interest, others do not.)

The bill referred to us proposed to pay all the claims allowed by the Commissioners appointed by the act of March 3, 1860, as filed in the office of the Register of the Land office, and also the above of O. H. P. Scott, Peter Tobie, & H. K. Love & Co., and to pay the same in the bonds of the State, &c.

A question arises here as to the power of the State to assume these debts. The Constitution of the State, Sec. 1, Article 7, is as follows: "*** the State shall never assume or become responsible for the debts or liabilities of any individual, association or corporation, unless incurred in time of war for the benefit of the State." It is true the General Assembly did by Resolution of March 22, 1858, attempt to assume certain debts of the Des Moines Navigation Company, and at the last regular session it did pay to Brown & Allander a debt amounting to \$80,142.63, but some of your committee question the power to do it. But without attempting to decide that constitutional question, we all agree to recommend that the State do not issue her bonds to pay any of these claims. The contracts out of which they severally arose were made with the expectation that they were to be paid out of the fund provided by the grant from Congress for the Des Moines River Improvement. Your committee were shown one of the original contracts made by the State, dated we believe in 1849 for building the lock at Farmington, in which it was expressly stated that the money to pay for the work was to come from the Des Moines Improvement Fund. This valuable relic was in the hands of Major O. H. P. Scott, and had attached to it a supplemental contract entered into with the Des Moines Navigation & Rail Road Company by which it was agreed between such company and the contractor, that such contractor should look exclusively to the said company for all remuneration for all claims under the original contract; providing that the contractor in this case only expected to look to the State as a

trustee of the fund, and we have no doubt such was the understanding in all cases. And as the State has now in trust lands to pay these claims, or such of them as can legally claim, the claimants ought to be satisfied with taking such lands. We can never consent to issue the State's bonds and thus add to the heavy debt of the State, already as great as the limit of the constitution allows, to pay the debts of any other person, corporation or association, even if not restricted by this instrument; but add to these considerations the above quoted restriction and it would seem madness to ask the State to do so.

We learn from the Register that there are two claims allowed by the commissioner and filed in his office, which are not included in the list in his Report of Nov., 1863, page 35, (which see) as follows:

No. 33, Meek & Son \$4035,62. Allowed July 18, 1861, filed Dec. 20, 1863.

No. 34, O. H. P. Scott \$150,00. Allowed Feb. 5, 1861, filed Feb. 16, 1864.

These amounts with what is included in the said list (see page 35, Register's Report, *supra*, make an aggregate of \$90,076,70—add ten per cent. interest on this sum, an average of three years, and we have nearly \$117,099,00—with the excess of interest and some additional claims, we may assume this to be \$120,000. Your committee is unanimous in the opinion that the State having provided a tribunal for establishing these claims, having compelled these claimants to go into such tribunal for their claims, or be forever barred; that they now can consistently insist that their claims are so established as to admit of no question. The act providing for the appointment of Commissioners and for the hearing of these claims "provided that the Commissioners should "ascertain all the liabilities, whether in suit or otherwise, against the Des Moines River Improvement, and against the State, growing out of said improvement, which are to be paid by the 2d section of the act of March 22, 1858." That section provides for the payment of "all liabilities against the Des Moines River Improvement, and against the State of Iowa, growing out of said improvement, whether by contracts between the State and other parties, or between the Des Moines Navigation & Railroad Company and other parties, or between any parties whatever, which have been assumed by the State in consequence of the proposed settlement with the Des Moines Navigation & Railroad Company." The act of the 3d of March also provided that the said Commissioner should give certain notice of their meeting, and "that if any persons should fail to present their claims within six months after the time fixed, those claims would not thereafter be received or acted upon, but be forever barred."

The commissioners gave such notice, and held their sittings; but none of the claims heretofore mentioned as referred to this commit-

tee were presented to such commissioners. Sec. 7 of the said act of 3d March again repeats: "All claims not presented within said six months shall be forever barred." A majority of the committee have come to the conclusion that, under all the circumstances of the case, these claims are barred, and should be rejected; and thus none but such as *complied* with the provisions of said Act should be permitted to claim.

It will be seen by the several Acts referred to [see Revision of 1860, pages 908 to 913 inclusive] that the Keokuk, Ft. Des Moines & Minnesota Railroad Company agreed to assume and pay these claims out of the land it was to receive from the State; so that this company is the party interested in the matter, rather than the State. This company insists (what your committee believes is true) that no counsel appeared to contest these claims before the commissioners; that the claims consisted in great part of alleged damages to property by ice and high water, which were in many cases problematical; that only evidence on the side of the claimant was heard, and that necessarily the amounts, in many cases, must be much greater than strict justice would sanction; that this company had no notice of these claims, and had no time or opportunity to contest them; that by the terms of the Act the finding of the commissioners is declared final and conclusive on all parties, and that, although hard on them, still they are willing to abide by it. But in that case they insist others must also abide by it—that it will be unfair to hold them to that *ex parte* hearing when the same rule is not applied to claimants on them. Still they say they are willing the whole case shall be opened up at their expense, and all the cases heard anew, if the General Assembly shall so elect. That they are content either way, provided the same rule is applied to all alike.

Some of your committee feel that the rule should not apply to the claims of Scott, Tobie, H. K. Love & Co., and Walker & Bro., for the reason that at the time the commission was in session their claims were in suit, and subsequently put into judgment.

It is replied to this, that the Act expressly provided that it should include claims in suit as well as others; that the claimants elected to take their chances in such suits against the Des Moines Navigation & Railroad Co., and ought now to stand by their election.

The claim of J. J. Kinnersly, also above mentioned, purports to be for putting in lock-gates at Keosauqua. By his exhibits it appears that a former river commissioner contracted with him to put in the gates for \$2,000 and take the toll for his pay until the State had lands certified to it to pay with, when the balance was to be paid in land at three dollars an acre. This was in 1858. In 1861, at a time when it was supposed the State had no lands to pay with, Judge Mayne, on the part of the claim commissioners, probably under Sections 10 and 11 of said Act of March 3d, made a supple-

mental contract with Kinnersly by which he was to have, in consideration of his building the lock and dam, "all the right, title and interest of the said State in the lock, dam, water-power and franchises;" and subsequently the said Board of Commissioners, in full session, ratified and confirmed the contract, and made further stipulations that upon the completion of the said works, "and upon the payment of the sum of *one hundred dollars by said Kinnersly* to the Secretary of the Board, he shall be entitled to all the rights and privileges conferred by said agreement, or as contemplated and provided for therein by virtue of a further deed or conveyance; and upon a failure to make said deed, that this order shall have the force and effect of investing said Kinnersly with the full right and title to the water-power and franchises created by said dam and lock as full and to all intents and purposes as the same can be conferred or vested by this Board. It is further expressly understood that said Kinnersly, or his assigns, shall, upon the completion of said dam and lock, *covenant to keep the same in repair, pass boats through the same, and do all other acts and things required of said purchaser by the provisions of the act of the General Assembly of the State of Iowa, approved March 3d, 1860, in relation to the Des Moines river improvement.*"

We think there can be no two opinions but that that contract amounted to a settlement in full with Mr. K. for all his work on the lock and dam, and that his claim ought to be rejected.

The claim of Martin Kays of \$9000 for damages to his mill at Keosauqua, by reason of high water, by means of which it has been depreciated in value, your committee cannot regard with favor. From the information obtained, we are of the opinion that it is an attempt to swindle the State; that so far from the depreciation of his mill being caused by the causes he ascribes it to, it is because, it being a steam mill, of antiquated construction, a new water mill, which can do better work at a less price, has been the true cause, and the claimant now attempts to palm off his loss on to the State. Indeed, the witness who appeared before your committee to prove up his loss, very candidly stated it could not be altogether, more than from \$2000 to \$2500—while he demands of the State \$9000! Your committee recommend that the claim be rejected. And we would recommend that, if it be deemed practicable, there be an enactment punishing the fraudulent claiming of the State sums not due or owing therefrom.

Third: The mode of paying these claims allowed has received our careful attention. While we do not think the State ought to pay them it ought to provide a means of paying them out of the lands granted by the Act of Congress of July 12th, 1862. But by the act which binds the K., Ft. D. M. & M. R. R. to pay them, it is agreed that Company shall have one year for one half, and two years for the other half, in which to pay after the lands are certified to such Company. As these lands are not yet certified to the State,

they cannot be certified to the Company; but we recommend that provision be made that in case the said Company do not pay as they have agreed by the act aforesaid, some means shall be provided that the claimants may enforce their claim on the lands. We have prepared a bill embodying our views on the subject, which we offer as a substitute for both Senate File Nos. 156 and 157, and recommend its passage.

In that bill we have provided that all assignees of any portion of said claims, shall within three months file with the Register of the Land Office evidence of such assignment, or the Register or the Railroad Company will be justified in paying or settling with the payee, who appears by the papers on file to be entitled to the same. This is because there appeared before your committee adverse claimants to the same allowance. We also provide for the payment of \$1,460 and interest to reimburse the amount paid by the State to W. C. Drake on salary as Commissioner, as provided by chapter 53 of the acts of the Eighth General Assembly. Also the sum of \$30,142.63, money paid by this State in full for their claims allowed by the Claim Commissioners in favor of Geo. C. Alleuder and James A. Brown, paid in accordance with chapter 44 of the acts of the Ninth General Assembly. They also provide for the payment of certain balances due to the Claim Commissioners for services on such commission, as shown by their report to the Governor, February, 1864, to-wit:

Estate of E. Mayne,.....	\$116.80
Ed. Johnston,.....	91.50
Jewett,.....	90.00
Semple & Kinley, for services as counsel,.....	20.00

Fourth: It is represented that there are settlers on some of these lands—persons who have gone on to them under the homestead act, and are now claiming them as homesteads.

The Act of July 12, 1862, would seem to be a present grant. If so, the title to all the lands "in place" vested at the time of the grant, so that whatever settlements were made on the odd sections within five miles of the River after that act took effect, is in opposition to the rights of the State. But it is not the object of the State to take from one citizen and give to another, nor to interfere with the claims of *bona fide* settlers. If there are such claims, we think they had better be now arranged than to be left to remain a source of discord hereafter. We have inserted a clause in the bill authorizing the Governor to release to the United States any lands actually occupied as homesteads when such actual occupation existed on the 1st day of December last, and shall be continued so that if the land had not been conveyed to this State a homestead would have been acquired under the laws of the United States.

All of which is respectfully submitted, and the committee ask to be discharged.

T. W. WOOLSON, Chairman.

Also, a substitute for Senate File Nos. 156 and 157 and 176, being Senate File No. 197: A Bill for an Act supplemental to Chapter 99 of the Laws of the Seventh General Assembly, approved March 22, 1858, relating to the disposition of the Des Moines River Land Grants, and the payment of certain audited claims.

On motion of Senator Bassett, the report and bill were ordered to be printed.

By consent, Senator Henderson introduced Joint Resolution proposing to amend Article Five of the Constitution, so as to authorize the election of Judges of the Supreme Court by districts.

The resolution was read a first and second time, and referred to Committee on Constitutional Amendments.

By consent, Senator Roberts, from Committee on Railroads, submitted the following report:

Your Committee to whom was referred Senate File Nos 154 and —, have directed me to recommend the passage of the following as a substitute for the same.

B. F. ROBERTS, Chairman.

Also, Senate File No. 198: A Bill for an Act to authorize the construction of railroad bridges across the Mississippi and Missouri rivers.

The bill was read a first and second time and placed on file.

The chair announced that the hour had arrived for the consideration of Special Order, Senate File No. 106: A Bill for an Act to provide for the purchase of the building used as a Capitol and the lots on which the same is situated, and to secure the School Fund, and for other purposes.

Senator Woolson moved that the minority report be substituted for the majority report.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report, that they have examined Senate File No. 152: "An Act to encourage lead mining in the State of Iowa."

Senate File No. 1: "An Act to repeal Chapter 17 of the Extra Session of the Ninth General Assembly, 1862, entitled An Act to provide for the protection of the Southern Border of this State."

Senate File No. 10: "An Act to amend section 5 of Chapter 19 of the acts of the Ninth General Assembly, entitled 'An Act fixing the salaries of certain officers,' and find the same correctly enrolled.

J. A. PARVIN.

By consent, Senator McCrory, of Lee, from Judiciary Committee, submitted the following report:

MR. PRESIDENT:—The Committee on the Judiciary, to whom was referred House File No. 86: A Bill for an Act providing for recording United States Revenue Stamps attached to instruments

of writing, have had the same under consideration, and have instructed me to report the same back and recommend the adoption of the following amendments:

1. Insert the word "entry," in the 12th line of the first section, the words, "or a certified copy thereof."

2. Add as section 2, the following:

In all cases where instruments having stamps attached, have been heretofore recorded, and where the recorder has noted upon the record the fact that a stamp was affixed to the original, the same shall be deemed legal and sufficient in law, and the record or a duly authenticated copy thereof, shall be received in evidence in all cases the same as if recorded strictly in accordance with the law of this State.

3. Strike out of the first section, in the sixth and seventh lines, the words, "in its proper place," and thus amended your committee recommend the passage of the bill.

The resolutions of the Town Council of McGregor, I am instructed to report the accompanying Bill for an Act to amend section 1041 of the Revision of 1860, and recommend its passage.

The Committee have also had under consideration Senate File No. 173: A Bill for an Act to legalize the acts of the Clerk of the District Court of Polk county, and have instructed me to report the same back and recommend its passage.

Senate File No. 180: Bill for an Act to dispose of certain fees received by County Treasurers, I am instructed to report back and recommend the following amendment:

Strike out of the first section the words, "be paid into the County Treasury," and insert, "shall be the individual property of such Treasurer as payment for his services," and thus amended they recommend the passage of the bill.

GEO. W. McCRARY, Chairman.

On motion of Mr. Stubbs, the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock P. M.

The Senate resumed the consideration of Senate File No. 108: A Bill for an Act to provide for the purchase of the building used as a Capitol and the lots on which the same is situated, and to secure the school fund and for other purposes.

The question being, upon the motion of Senator Woolson, to substitute the minority for the majority report, Senator Clark demanded the yeas and nays.

The yeas were, Senators Burdick, Brown, Bridges, Cutler, Crookham, Dixon, Foote, Hogin, Harley, Hillyer, Hesser, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Shippens, Udell and Woolson—26.

The nays were, Senators Bassett, Brunson, Brayton, Boardman, Clarkson, Clark, Flauth, Gue, Hart, Hilsinger, Knoll, King, Patterson, Wharton and Young—15.

Senator Henderson excused.

Absent without excuse, Senator Hunt.

The motion was adopted.

Senator Ross moved to insert after the word "situated" in the 5th line of section 1, also to lots — in block —, in Scott's addition to Des Moines, in Polk county, Iowa, being the lot and premises immediately west of the Capitol building, and lately occupied by Alexander Shaw aforesaid, as a residence.

Senator Cutler offered the following resolution :

WHEREAS, The securities of J. A. Williamson and others, owners of the building (now used as a Capitol), debtors to the school fund of the State of Iowa, are involved in uncertainty, and in consequence thereof we are unable to take any intelligent action with regard to the settlement of the same; therefore

Resolved, That the further consideration of Senate File No. 106 be postponed till March 15th, and that the Governor be authorized to select a competent person to report to the Senate the exact condition of such securities as the same appear upon the records of the real estate of Polk county and other counties of this State, on or before that day; and also report what incumbrances, prior to the execution of the lease to the State, if any now exist, against said Capitol building, and what incumbrances now exist against the same.

Senator McCrary, of Lee, moved to amend the resolution by inserting the word "tenth" instead of the word "fifteenth." The amendment was adopted.

Senator Hart moved to amend the resolution by inserting after the word "Polk" the words "and other counties." The amendment was adopted.

On motion, the resolution was adopted.

On motion of Senator Udell the Senate adjourned.

SENATE CHAMBER,
Des Moines, March 4, 1864.

The Senate convened at 10 o'clock A. M.

Prayer was offered by the Rev. J. M. Chamberlain.

The Journal of yesterday was read and approved.

Mr. Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report, that on the 3d inst.

your Committee presented to his Excellency, the Governor, for his approval, Senate File No. 152.

J. A. PARVIN, Chairman.

Mr. Hogin, from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined Senate File No. 63, entitled, A bill for an act supplemental to the act of the Ninth General Assembly, entitled "An Act for the better protection of the School Fund," and find it correctly engrossed. The Committee have also examined Senate File No. 103, entitled, A Bill for an Act defining further duties for the Recorder of Deeds, and his compensation, and find it correctly engrossed.

On motion of Mr. Woolson, the Senate proceeded to consider

BILLS ON THIRD READING.

House Substitute for Senate File No. 5, A bill for an Act to provide for the payment of taxes, and the interest and principal of the School Fund in Treasury Notes issued as legal tender by authority of the Government of the United States, and notes of National Banks, was taken up, and the Senate concurred in the House amendment to the title.

Senate File No. 51, A bill for an Act to amend Chapter 98 of the Revision of 1860, in relation to Homesteads, was taken up, and on the question, "shall the Bill pass?" the yeas and nays were called with the following result:

The yeas were, Senators Bassett, Brunson, Brown, Clarkson, Crookham, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hesser, Hunt, Hatch, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Ross, Roberts, Saunders, Wharton, and Young—26.

The nays were, Senators Burdick, Brayton, Boardman, Bridges, Cutler, Clark, Gray, Hogin, Hillyer, Hilsinger, McJunkin, McMillan, Parvin, Stubbs, Shippen Udell, and Woolson—17.

Bill passed and title agreed to.

Senate File No. 63, An Act supplemental to the Act of the 9th General Assembly, entitled "An Act for the better protection of the School Fund," was taken up and read a third time.

The question being upon the passage of the Bill,

The yeas were, Senators Brunson, Brayton, Boardman, Brown, Cutler, Clark, Foote, Flaugh, Gue, Hart, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary, of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Wharton, Woolson and Young—29.

The nays were, Senators Bassett, Burdick, Bridges, Cutler, Clarkson, Crookham, Dixon, Gray, Henderson, Hogin, Hillyer, Knoll, and Udell—13.

Bill passed and title agreed to.

Joint Resolution instructing our Senators in Congress, and requesting our Representatives to procure the passage of a law granting bounties to soldiers, was taken up, and House amendment concurred in.

Senate File No. 103, A Bill for an Act defining further duties for the Recorder of Deeds and his compensation, was taken up and read a third time.

The question now being upon the passage of the bill, The yeas were, Senators Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Hart, Henderson, Hogin, Hillyer, Hunt, Hatch, Hilsinger, McJunkin, McCrary of Lee, Moore, McMillan, Merrill, Patterson, Ross, Saunders, Stubbs, Woolson and Young—29.

The nays were, Senators Bassett, Burdick, Brunson, Gray, Gue, Hesser, Knoll, King, McCrary of Van Buren, Parvin, Udell, and Wharton—12.

Absent without excuse, Senator Roberts.

Bill passed, and title amended by adding after the words "Recorder of Deeds," the words "and Treasurer."

REPORTS OF COMMITTEES ON FILE.

Senate File No. 136: A Bill for an act amending Section 1340 of the Revision of 1860 in relation to mortgages made by Railroad corporations was taken up.

Senator Hunt moved to add the following: "Acquired by the mortgagors subsequent to the making of such mortgage."

The amendment was adopted.

Senator Hunt moved to strike out the words "personal property," and insert the words "real property."

Pending this amendment, on motion of Senator McJunkin, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

Senator McJunkin moved to amend Senator Hunt's amendment, pending the adjournment of the Senate, by inserting the word "any," for the word "real."

Senator Boardman moved that the Bill be indefinitely postponed.

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Cutler, Clarkson, Flaugh, Gue, Henderson, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, McCrary of Lee, McCrary of Van Buren, Moore, Patterson, Roberts, Saunders and Young—23.

The nays were, Senators Bridges, Crookham, Clark, Foote, Gray, Hart, Hogin, King, McJunkin, McCrary of Van Buren, McMillan, Parvin, Ross, Stubbs, Shippen and Wharton—16.

Leave of absence was granted to Senator Woolson.
Absent without excuse—Senators Dixon and Udell.
The motion was adopted.

REPORTS OF COMMITTEES.

By Senator Patterson, from the Judiciary Committee, the following report:

Your Committee on Judiciary, to whom was referred Senate File No 167 : An act to provide for annual settlements by Executors, have had the same under consideration, and unanimously directed me to report the same back with the following substitute therefor and recommend its passage.

Senate File No. 189 : A Bill for an act to legalize the acknowledgement of written instruments requiring record in certain cases, we have had under consideration, and recommend the following amendment: "Provided this act shall not be so construed as to prevent any person from proving that such acknowledgement was not made by the proper party." And thus amended direct me to report the same back and recommend its passage.

J. G. PATTERSON, for Committee.

By Senator Crookham :

The Judicial Committee, to whom was referred Senate File No. 171, have been unable to agree. The majority of said committee believe no further legislation necessary and recommend the indefinite postponement of the Bill.

2. The minority of your committee believing that further legislation is necessary, beg leave to report a substitute for Senate File No. 171, and recommend the passage of said Bill.

J. A. CROOKHAM, for the Committee.

By Senator Ross :

The Judiciary Committee, to whom was referred Senate File No. 165, have had the same under consideration, and have instructed me to report the same to the Senate and recommend its passage.

L. W. ROSS.

By Senator Foote :

The Committee of Ways and Means, to whom was referred Senate File No. 108 : A Bill for an Act providing for the erection of an arsenal building, have considered the same and instructed me to recommend its passage.

Senate File No. 105 : A Bill for an Act to permanently locate the asylum for the deaf and dumb and provide a building for the same, we have also considered, and I am instructed to recommend its passage.

Senate File No. 169 : A Bill for an Act to provide for the publication and distribution of the laws of the Tenth General Assembly of the State, we have had under consideration and recommend its passage.

Senate File No. 139: A Bill for an Act making a further appropriation for the Hospital for the Insane, we have also considered, and I am instructed to report the accompanying substitute and recommend its passage. JOHN G. FOOTE, Chairman.

Senate File No. 50: "A Bill for an Act providing for the taxation of the property of Railroad Corporations," we have had under consideration, and the Committee have instructed me to recommend the filling of the blanks in the first section as follows: in the 2d line, with the word "May;" in the 16th line, with the words "January of —— the then current year;" in the 22d line, with the word "January." Also the following amendments: add to the end of the 1st Section the following proviso, to-wit: "Provided that in case the said schedule and list so verified by oath shall show that any specified part of the said Railroad in any county—giving the particulars of the place of beginning, length, and ending of such part within such county—has not been in use and operation so long as three full years prior to the date of such list or schedule, then no part of the track, strip, roadway, side-track, turnouts, embankments, bridges, iron, ties, depots, water-tanks, or other construction upon any part of the track strip or roadway within such part not operated for three full years, and the *pro rata* share of the personal property of such county, shall be assessed for taxation for that year." Strike out of 1st line, Section 9, the words "and seventeen." Thus amended its passage is recominended.

JOHN G. FOOTE, Chairman.

Also Senate File No. 200: A Bill for an Act relating to the transcribing, indexing and distributing the journal of the Senate and House of Representatives.

By Senator Young:

The Committee on Ways and Means, to whom was referred Senate File No. 181: A Bill for an Act legalizing acts of the Board of Mayor and Aldermen of the town of Fort Madison making certain appropriations, &c., have had the same under consideration, and have instructed me to report the same back to the Senate, with the accompanying substitute, and recommend the passage of the substitute.

J. B. YOUNG, of Committee.

By Senator Clark:

The Committee on Ways and Means having under consideration Senate File No. 158, instruct me to report as follows: to change Section 1st to read twenty thousand dollars, and recommend it do pass.

By Senator Moore:

The Committee on Military Affairs, to whom was referred Senate File No. 163: "A Bill for an Act to organize and discipline the militia," have had the same under consideration, and have instructed me to recommend that said Bill be printed.

By Senator Clarkson:

The Committee of Agriculture, to whom was referred a petition of J. M. Eldridge, and 114 other citizens of Scott county, praying the passage of a law "restraining cattle of all kinds from running at large in Scott county, or Davenport township," have had the same under consideration. Deeming it not advisable to enter upon the scheme of special and local legislation prayed for, and having not sufficient evidence to convince the Committee that even a majority of that county desires such a law, I am directed to report back the petition, with a recommendation that the subject be indefinitely postponed.

Substitute for House File No. 16: "An Act to regulate grist-mills, and define the duties of millers and mill owners," they have had under consideration, and have amended said Bill by striking out Section 2d; and as thus amended recommend that it pass.

C. F. CLARKSON, Chairman.

By Senator Crookham,

Your Committee on Claims, to whom was submitted the claim of one David W. Poindexter for \$140.80, having carefully examined the same, beg leave to make our report:

1. That we believe said account has never been paid.
2. There may be all or a part of the same due to said Poindexter, but we cannot say how much.
3. We recommend that said account be submitted to the Auditing Commissioners and for them to pay whatever they may find due to claimant.

J. A. G. CROOKHAM, for the
Committee on Claims.

By Senator Patterson.

Your Committee on Township and County Organization to whom was referred Senate File No. 193: An Act to regulate the levy and collection of certain taxes, have had the same under consideration, and propose the following amendment, and thus amended direct me to report the same back and recommend its passage.

J. G. PATTERSON, Chairman.

Senate File No. 174: An Act to restrain persons from careless driving or leading stock across bridges maintained at public charge, we have had under consideration and have directed me to report the same back with the following substitute, and recommend its passage.

J. G. PATTERSON, Chairman.

Senate File No. 192: A Bill for an Act to allow the Board of Supervisors of any organized county, &c., we have had under consideration, and I am directed to report the same back and recommend its passage.

J. G. PATTERSON, Chairman.

By Senator Burdick.

The Committee on Public Lands, to whom was referred sundry resolutions (one of which passed the House of Representatives),

instructing our Senators and requesting our Representatives in Congress in relation to Swamp Lands, have instructed me to report a substitute for all the resolutions so referred and to recommend the passage of the substitute.

M. V. BURDICK, Chairman.

On motion, the substitute reported by the Committee was ordered to be printed.

By Senator Gue:

The Committee on Printing to whom was referred Senate File No. 85, and substitute for the same, have had the bills under consideration, and have directed me to report the accompanying substitute and recommend its passage.

B. F. GUE, Chairman of Com.

By Senator Parvin:

The Committee on Enrolled Bills report, that, on the 4th inst., they presented to His Excellency, the Governor, for his approval, Senate File Nos. 1 and 10.

J. A. PARVIN, Chairman.

By Senator Stubbs:

The Joint Committee on Relief to Soldiers' Families, to whom was referred Senate File Nos. 71 and 132, as well as petitions on same subject, have given the same their careful consideration, and have instructed me to report the accompanying substitute for said bills and recommend its passage.

D. P. STUBBS,
Chairman on part of Senate.

On motion, the substitute for Senate File Nos. 71 and 132, reported by the committee, was ordered to be printed, and made the special order for Wednesday, March 9th, at 10½ o'clock A. M.

By Senator Udell:

The Committee on Military Affairs have had under consideration Senate File No. 187: A Bill for an Act to direct the Adjutant General to make report January 1, 1865, and provide for publishing and distributing the same, and have unanimously instructed me to report the same back and recommend its passage.

UDELL.

By Senator Henderson:

The Special Committee to whom was referred Senate File No. 179: A Bill for "An Act to legalize the action of the Board of Supervisors of Benton county," &c., have had the same under consideration, and directed me to report the same back and recommend the passage thereof.

All of which is respectfully submitted.

H. C. HENDERSON, Chairman.

By consent, Mr. Ross called up Senate File No. 192, A bill for an Act to allow the County Board of Supervisors of any organized county to assume the payment of any obligation heretofore executed

by the Trustees of any Township for the construction of bridges, streets or highways.

Mr. Ross moved to amend the bill by adding the publication clause.

The amendment was adopted.

The Bill was read a third time, and on the question upon the passage of the bill,

The yeas were, Senators Bassett, Brunson, Brayton, Brown, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Wharton and Young—35.

The nays were, none.

Absent and not excused Senators Boardman, Bridges, Gue, Henderson, and Udell.

Bill passed and title amended.

Mr. McCrary of Lee submitted the following resolution:

Resolved, That after the 10th day of March, no new business shall be received into the Senate unless by consent of two-thirds of the Senate, except upon the report of a Committee.

Mr. King moved to amend the Resolution by striking out the word "10th," and inserting the word "15th."

The amendment was not adopted.

The question being upon the adoption of the resolution, Senator Wharton demanded the yeas and nays.

The yeas were, Senators Brunson, Brayton, Bridges, Clarkson, Crookham, Clark, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hesser, Hilsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Parvin, Ross, Roberts, Udell, Wharton and Young—24.

The nays were, Senators Bassett, Burdick, Boardman, Brown, Cutler, Dixon, Gue, Hillyer, Hunt, Hatch, Knoll, King, Moore, Patterson, Saunders, Stubbs, Shippen, and Young—18.

Two-thirds not voting in the affirmative, the motion was lost.

Senator Dixon, by consent, introduced Senate File No. 201: A Bill for an Act authorizing Joseph Hogen, the Recorder of Wapello county to transcribe Records in his office.

The Bill was read a first and second time, and on motion the 11th rule was suspended, and the Bill was read a third time.

The question now being upon the passage of the Bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Crookham, Clark, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton and Young—36.

The nays were, Senators Brown, Clarkson, Flaugh and Knoll—4.

Absent and not excused—Senator Roberts.

Bill passed and title agreed to.

Senator Crookham, by consent, introduced Senate File No. 202: A Bill for an Act to amend Section 23 of sub-division of Section 312 of Chapter 22, of the Revision of 1860.

The Bill was read a first and second time and referred to Committee on Township and County Organization.

By consent, Senator Foote, from the Committee on Ways and Means submitted the following Joint Resolution:

Resolved, By the Senate, the House concurring, that the per diem allowance of the officers of the Senate and House of Representatives, during the present session, shall be as follows, to-wit: The Secretary of the Senate and Chief Clerk of the House, each, six dollars. Two Assistant Secretaries of the Senate and two Assistant Clerks of the House, each, five dollars.

Engrossing and Enrolling Clerks and Fireman of the Senate, each, four dollars.

Sergeant-at-Arms and Door Keepers and Firemen of the House, each, three dollars.

Messengers and Paper Folders, each, two dollars and fifty cents.

Postmasters, each, four dollars.

Carrying the mail and bridge toll, two dollars and fifty cents.

Fireman and Superintendent of Committee Rooms, three dollars.

Senator Gray moved that the Sergeant-at-Arms and Door Keeper be allowed \$4,00 per day.

The motion was adopted.

Senator Dixon moved to amend the Resolution by striking out \$2,50 and inserting \$3,00 in the allowance for Messengers.

The motion was adopted.

Senator Burdick moved to amend by striking out \$3,00 and insert \$3,50 in the allowance for Fireman of the Committee Rooms.

The motion was lost.

Senator Cutler moved to strike out \$3,00 and insert \$2,50 in the same allowance.

The motion was lost.

The resolution was adopted.

Senator Wharton moved that when the Senate adjourn, it adjourn till 9 o'clock, A. M., to-morrow.

The motion was lost.

On motion of Senator Henderson, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 5th, 1864.

Senate convened at 10 o'clock A. M.

Prayer was offered by the Rev. J. M. Chamberlain.

Journal of yesterday read and approved.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed "Joint Resolution asking additional mail facilities," in which the concurrence of the Senate is respectfully asked.

I am also directed to return to you House File No. 90, "A Bill for an Act to abolish the Board of Education of the State of Iowa, to provide for the election of a Superintendent of Public Instruction, and for other purposes," the House refusing to concur in the Senate amendments to the Bill, asks for a Committee of Conference on the part of the Senate, and that Messrs. Hildreth, Pault and Spurrier have been appointed on such Committee on the part of the House.

Also, the House has passed the following concurrent resolution:

WHEREAS, The 4th Regiment of Iowa Volunteers has re-enlisted as veterans, and is expected to arrive at the capital next Monday, and a public reception by the citizens is proposed to be given to it, therefore,

Be it Resolved by the General Assembly of the State of Iowa, That a committee of five, three on the part of the House of Representatives, and two on the part of the Senate, be appointed to take into consideration the propriety of this Legislature taking action in regard to such reception, and prepare and present to the General Assembly, if deemed advisable by said Committee, such course or action as they shall think appropriate for the occasion, in which the concurrence of the Senate is respectfully asked.

JACOB RICH,

Chief Clerk House Representatives.

By consent, Senator Boardman called up Senate File No. 90, A Bill for an Act to abolish the Board of Education of the State of Iowa, to provide for the election of a Superintendent of Public Instruction, and for other purposes, returned by the House with refusal to concur in the Senate amendments.

Senator Henderson moved that the Senate recede from its amendments to the Bill.

A division being called for upon the amendments, and the question being, "shall the Senate recede from its first amendment?"

The yeas were, Senators Burdick, Brunson, Brayton, Cutler, Gray, Henderson, Hillyer, Hunt, Hilsinger, Knoll, Patterson, and Parvin—12.

The nays were, Senators Bassett, Boardman, Brown, Bridges,

Crookham, Clark, Dixon, Foote, Hart, Hogin, Hurley, Hesser, Hatch, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Saunders, Stubbs, Udell, Wharton and Young —24.

Absent without excuse, Senators Clarkson, Flaugh, Gue, Merrill, Ross, and Shippen.

The Senate refused to recede.

The question now being "Shall the Senate recede from the 2d amendment," the Senate refused to recede.

Senator Boardman moved that a like Committee of Conference, with that of the House, be appointed on the part of the Senate.

The motion was adopted.

The Chair appointed on the Committee Senators Boardman, Bassett and Saunders.

PETITIONS AND MEMORIALS.

By Senator Hilsinger: A remonstrance from citizens of Jackson county against the repeal of the prohibitory liquor law. The petition was laid on the table.

By Senator Foote: A remonstrance by citizens of Burlington against the repeal of the Sanitary Act of the 9th General Assembly of the State of Iowa, and expressing their confidence in the integrity and uprightness of Mrs. Annie Wittenmyer.

Referred to Committee on Sanitary Affairs.

By Senator Bassett: Petition of citizens of Emmett county having claims to lands in odd sections in said county, asking that such measures be taken by the General Assembly as will secure to them the title to said lands.

Referred to Committee on Railroads.

By consent, Senator Foote from Committee on Ways and Means submitted the following report:

The Committee on Ways and Means to whom was referred Senate File No. 86, A Bill for an Act making an appropriation for, and directing the erection of an Agricultural College, have had the same under consideration, and the majority have instructed me to recommend the following amendments, and when thus amended to recommend its passage :

Strike out 3d and 4th lines of section one, and insert "\$20,000 to aid in the erection of a permanent building for an agricultural College."

Strike out of section five in the 6th line, the words "good, durable material," and add "brick." And add to the sixth section the following: "The Trustees shall proceed with the work on said building, and have the same inclosed with roof, windows and doors, by the first of October, 1865."

Amend section six, in the 4th line, by striking out the word "ten," after the word "exceeding," and insert "five," and strike

out of the same line the word "ten," after the word "first," and insert "five."

Also, Senate File No. 195: "A Bill for an Act for the improvement of the State Penitentiary," I am instructed to recommend its passage.

JOHN G. FOOTE, Chairman.

On motion of Senator Stubbs, the Senate took up the regular order of business.

INTRODUCTION OF BILLS.

By Senator Crookham: Senate File No. 203: A Bill for an Act to amend section 22, of subdivision of section 312, of chapter 22 of the Revision of 1860.

The bill was read a first and second time and referred to Committee on Township and County Organization.

Also, Senate File No. 204: A Bill for an Act to amend Article 3, of Chapter 46, of the Revision of 1860, in relation to roads and highways.

The bill was read a first and second time and referred to Committee on Roads.

By Senator Knoll: Senate File No. 205: A Bill for an Act to amend section 1059 of the Revision of 1860.

The bill was read a first and second time and referred to Committee on Incorporations.

By Senator Clark: Senate File No. 206: A Bill for an Act to authorize the Treasurer of the State University to loan the permanent fund of said University at an interest of not less than eight per cent. per annum.

The bill was read a first and second time.

Senator Crookham moved to amend the bill by inserting after the word "university," in the fifth line of section 1, the following: "That said fund shall be loaned for the term of one year at not less than 8 per cent. interest, payable in advance, and if any person borrowing any of said money and failing to pay said interest each year in advance, then it shall be the duty of the proper officer loaning said money to commence suit for the collection of the same as provided by law.

On the adoption of this amendment the yeas and nays were demanded.

The yeas were, Senator Crookham—1.

The nays were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clark, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Knoll, King, McCunkin, McCrary, of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Saunders, Stabba, Shippen, Udell, Wharton, and Young—33.

Absent without excuse, Senators Burdick, Clarkson, Dixon, Gue, Hesser, Hilsinger, and Ross.

The amendment was not adopted.

Senator King moved to strike out the words "not less than."

The amendment was not adopted.

Senator Stubbs moved to strike out the word "eight," and insert the word "six."

The amendment was not adopted.

On motion of Senator Clark, the 11th rule was suspended, and the Bill was read a third time.

And on the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clark, Foote, Flauth, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Saunders, Stubbs, Shippen, Udell and Young—32.

The nays were, Senators Brown, Crookham, Hesser, Patterson and Wharton—5.

Absent without excuse—Senators Clarkson, Dixon, McJunkin and Ross.

Bill passed and title agreed to.

By Senator Brayton, Senate File No. 207: A Bill for an Act to amend section 190 of the Revision of 1860. The Bill was read a first and second time and referred to Judiciary Committee.

RESOLUTIONS.

By Senator McCrary, of Lee, the following:

Resolved, That after March 10th no more business shall be received into the Senate except with unanimous consent, or upon the report of a committee.

The question being upon the adoption of the resolution,

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Cutler, Crookham, Clark, Foote, Flauth, Gray, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Young—31.

The nays were, Senators Burdick, Brown, Hunt, Knoll, Patterson—5.

Absent without excuse, Senators Clarkson, Dixon, Gue, Hart, Henderson and Ross.

The resolution was adopted.

By Senator McCrary of Lee, the following:

Resolved, That the Committee on Schools and School Lands be instructed to inquire whether any further legislation is necessary for the education of children of African descent within this State, and to report by bill or otherwise.

The Resolution was adopted.

By Senator Foote, the following:

Resolved, That on and after Monday, 7th, the morning sessions of the Senate shall commence at 9 o'clock.

The resolution was adopted.

Senator McCrary of Lee, moved that when the Senate adjourn, it adjourn until Monday at 9 o'clock, A. M.

The motion was adopted.

By consent, Senator Bridges called up House resolution in relation to the reception of the 4th Iowa Infantry, and on motion of Senator Stubbs the resolution was adopted.

The Chair appointed upon the Committee Senators Moore and Cutler.

By consent, Senator Saunders called up Senate File No. 160: A Bill for an Act to amend an Act entitled an Act to change and fix the time of holding Court in the 7th Judicial District.

The Bill was read a third time, and on the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Crookham, Clark, Foote, Flaugh, Gray, Hogin, Hurley, Hillyer, Hesser, Hatch, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillen, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, Whartons and Young —32.

The nays were, none.

Absent without excuse—Senators Brown, Clarkson, Dixon, Gue, Hart, Henderson, Hunt, Hilsinger, McJunkin, and Ross.

Bill passed and title agreed to.

REPORTS OF COMMITTEES.

By Senator Patterson :

Your Committee on Judiciary have had Senate File No. 127: A Bill for an Act to amend Section 4220, of Chapter 165, of Revision of 1860, under consideration, and have directed me to report the same back, with the following substitute, and recommend its passage.

J. G. PATTERSON, for Committee.

By Senator Bardick :

The Committee on Railroads have had under consideration Senate File No. 194: A Bill for an Act granting to Railroad Companies the right of way through streets of incorporated cities and towns in this State, and a majority of the Committee have instructed me to report the same back, and recommend its passage.

M. V. BURDICK.

By Senator Stubbs :

The Special Committee to whom whom was referred House File No. 67, entitled a Bill for an Act to amend an Act entitled an Act

to provide for the appraisement of property sold under execution, have had the same under consideration, and have instructed me to report the following substitute therefor, and recommend the passage of the same.

D. P STUBBS, Ch'n Special Com.

MESSAGES FROM THE HOUSE ON FILE.

House File No. 129 : A Bill for an Act fixing the time of holding Court in the 4th Judicial District, and attaching certain counties in said District to others for Judicial purposes, was taken up, read a first and second time, and placed on file.

House File No. 96 : A Bill for an Act apportioning the State of Iowa into Representative Districts, was taken up, read a first and second time, and referred to Special Committee on Senatorial and Representative Districts.

Senate File No. 149 : A Bill for an Act to confer certain powers upon Railroad Companies, and Senate File No. 188 : A Bill for an Act granting certain lands to the Burlington & Missouri River Railroad Company, were taken up, and on motion of Senator Hillyer, referred to Special Committee consisting of Senators Ross, Foote, Woolson, Stubbs, Dixon, Shippen, Brown and Hillyer.

On motion of Senator Brunson the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 7th, 1864. }

The Senate convened at 9 o'clock A. M.
Prayer was offered by the Rev. Mr. J. A. Nash.
Journal of Saturday read and approved.

PETITIONS AND MEMORIALS.

By Senator Parvin, a remonstrance of citizens of Muscatine against the repeal of the Act of the 9th General Assembly appointing Mrs. Annie Wittenmyer as Sanitary Agent of the State of Iowa. Referred to Special Committee on Sanitary Affairs.

Also, a remonstrance of citizens of Henry county on the same subject. Referred to same committee.

By Senator Patterson, memorial of S. A. Thomas, asking for an appropriation for the location and construction of a military and wagon road up the valley of the Niobrara river to Gallatin in Idaho Territory. Referred to Committee on Federal Relations.

Also, a claim of Elisha Brady for \$57.85. Referred to Committee on Claims.

By Senator Brayton, claim of J. W. B. Fairfield for \$150. Referred to same committee.

INTRODUCTION OF BILLS.

By Senator Knoll, Senate File No. 208: A Bill for an Act to provide for the publication of the laws of a general nature of the Tenth General Assembly in certain German newspapers, and for the translation thereof. The Bill was read a first and second time and referred to Committee on Printing, with instructions to fill the blanks.

By Senator Udell, Senate File No. 209: A Bill for an Act extending the time for which the members of the County Board of Supervisors may receive compensation. The Bill was read a first and second time and referred to Committee on County and Township Organization.

By Senator Young, Senate File No. 210: A Bill for an Act relating to the offices of County Recorder and Treasurer, and providing for their separation. The Bill was read a first and second time and placed on file.

By consent Senator Boardman offered the following resolution:
Resolved, That a committee of one from each Congressional District, of which Senator McJunkin shall be chairman, be appointed to take into consideration the propriety of passing a law to aid in educating soldiers' orphans at the local high schools and academies in their respective counties and districts, and report by bill or otherwise.

The resolution was adopted.

The Chair appointed on said committee, Senators McJunkin, Boardman, Hart, Crookham, Hillyer and Bassett.

REPORTS OF COMMITTEES ON FILE.

Senate File No. 45: A Bill for an Act regulating the taxation and collection of costs in criminal cases, was taken up.

Senator Wharton moved to strike out the word "may," in the second line of section 6, and inserting the word "shall."

The motion was adopted.

Senator Crookham moved to add after the word "defendant," in second line of section 2, the words "not exceeding, however, two witnesses on each material point involved in the prosecution."

The amendment was not adopted.

Senator Henderson moved to add at the end of second section : "Provided, however, that the court may refuse to allow any costs made by defendant, which, under the circumstances of the case,

were unnecessary, or which the defendant had no reason to suppose necessary in his defense."

The amendment was not adopted.

Senator Brown moved to add to section 1: "Except in cases of prosecutions for violating the law regulating the sale of intoxicating drinks, and when defendant is found guilty."

Senator Hilsinger moved that the bill be indefinitely postponed.

On this question,

The yeas were, Senators Bassett, Burdick, Brown, Bridges, Cutler, Clarkson, Crookham, Foote, Gue, Henderson, Hurley, Hillyer, Hilsinger, King, McOrary, of Van Buren, Parvin, Saunders, Wharton, and Young—19.

The nays were, Senators Brunson, Brayton, Boardman, Clark, Flaugh, Hart, Hogin, Hesser, Hunt, Knoll, McJunkin, McOrary, of Lee, Moore, McMillan, Patterson, Stubbs, and Udell—17.

Absent without excuse, Senators Dixon, Gray, Hatch, Ross, and Shippen.

The bill was indefinitely postponed.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report, that they have examined House substitute for Senate File No. 5: "An Act to provide for the payment of taxes and the interest and principal of the School Fund, in treasury notes issued as legal tender by authority of the Government of the United States, notes of the National Banks, and notes of the State Bank of Iowa."

Also, "Memorial and Joint Resolution asking Congress for a grant of land to aid in the construction of a railroad from McGregor, on the Mississippi River, to a point in the western part of the State of Iowa," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

By Senator Moore: The Joint Committee to whom was referred the Joint Resolution relative to the reception of the veterans of the Fourth Iowa Infantry, on their return to this city, have had the same under consideration, and directed me to report—

That in the opinion of your committee, it is right and proper that the members of this General Assembly, representing the loyal and patriotic people of the State, who have given up their fathers, brothers and sons to swell the ranks of an army that for three years has battled for God and the right; to heartily co-operate with the citizens of Des Moines, in their reception of the war-scarred veterans, as representatives of Iowa soldiers. And your committee, believing that the members of this General Assembly, honoring, as they do, the brave men, who have so nobly and gallantly linked the name of Iowa with all that is dear to us as a nation, should thus publicly express their appreciation of the services of that noble regiment; they have directed me to report the following Joint Resolution:

WHEREAS, We have learned that the veterans of the Fourth Iowa Infantry have re-enlisted for three years, or during the war, and that they are now on their way to this city on furlough, to enjoy, for a short time, the blessings of the domestic circle, and that the citizens of Des Moines are preparing to give them a proper reception ; and deeming it our duty as their representatives, to express our appreciation of their gallantry and their services in the suppression of the rebellion ; therefore,

Be it resolved by the General Assembly of the State of Iowa, That we have watched with pride and admiration the Fourth Iowa Infantry, as, step by step, they have borne the ensign of the free, on the memorable fields of Pea Ridge, Chickasaw Bayou, Arkansas Post, Jackson, Vicksburg, siege and assault, Cherokee, Caney Creek, Tuscumbia, Lookout Mountain, Missionary Ridge, and Ringgold, and in their long and weary marches, enduring all the privations and hardships of a soldier's life, they have toiled on and fought for home, kindred and country, until the mute graves of their comrades in arms point in sadness to the remnant of brave men, who have honored their State, and added to the glory of the nation.

Resolved, That in the re-enlistment of the veterans of said regiment, we have the strongest evidence of their attachment to the principles of civil liberty ; and that their love of country is paramount to all other considerations, and entitles them to the lasting honor and gratitude of those whose firesides have been protected by their arms.

Resolved, That as a token of our confidence and regard for the distinguished services of that regiment, we will adjourn and attend as a body, the reception of the veterans on their return to this city.

Resolved, That the Governor be requested to present them with a copy of these resolutions, and on behalf of the members of this General Assembly, bid them welcome to the Capital of the State, whose honor they have kept so sacredly untarnished.

On motion of Senator Shippen, the report was adopted.

On motion of Senator Henderson, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

Senator Young moved to reconsider the vote by which Senate File No. 45, A bill for an Act providing for the payment of costs in criminal cases, was indefinitely postponed.

Mr. Hilsinger moved to lay the motion on the table.

The yeas were, Senators Burdick, Bridges, Clarkson, Gray, Hurley, Hilsinger, King, Parvin, and Wharton—9.

The nays were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Cutler, Crookham, Clark, Dixon, Foote, Hart, Hogan, Hillier, Hesser, Hatch, Knoll, McJunkin, McCrary of Lee, Moore,

McMillan, Patterson, Ross, Saunders, Stubbs, Shippen, Udell and Young—27.

Absent and not excused Senators Flaugh, Gue, Henderson, Hunt, and McCrary of Van Buren.

The motion was lost.

Received the following message from the House:

MR. PRESIDENT.—I am directed to inform your honorable body that the House of Representatives has concurred in the report of the Joint Committee to make arrangements for tendering a public reception to the veterans of the 4th regiment of Iowa Infantry.

JACOB RICH,

Chief Clerk House Representatives.

The motion to reconsider the motion was adopted.

On motion of Senator Young, the bill was referred to a Special Committee of three, of which Senator Stubbs is chairman.

The Chair added to the Committee Senators Hunt and McJunkin.

By consent, the following Bills were introduced.

By Senator Bridges, Senate File No. 211: A Bill for an Act constituting the village of Garden Grove, in Decatur county, an independent School District, and defining its boundaries.

The Bill was read a first and second time and referred to Committee on Schools.

By Senator Young, Senate File No. 212: A Bill for an Act to amend an Act entitled "an Act to change the times of holding court in the 8th Judicial District" approved February 4th, 1862.

The Bill was read a first and second time.

By consent the 11th rule was suspended and the Bill read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—39.

The nays were, none.

Absent without excuse—Senators Clarkson, Henderson, and Hunt.

Bill passed and title agreed to.

By Senator Saunders, Senate File No. 213: A Bill for an Act in relation to causes appealed from a Justice of the Peace to the District Court.

The Bill was read a first and second time and referred to Judiciary Committee.

By Senator Knoll, Senate File No. 214: A Bill for an Act to amend Section 1314 of the Revision of 1860, granting right of way to Railroad Companies.

The Bill was read a first and second time and referred to Committee on Railroads.

REPORTS OF COMMITTEES ON FILE.

The Resolution reported by Committee on Printing, in reference to the printing of Mrs. Annie Wittenmyer's Report was taken up.

Senator McCrary, of Lee, moved that the Senate do not concur in the amendments proposed by the House to the Senate's resolution in reference to the printing of Mrs. Wittenmyer's report.

The motion was adopted.

Senator McCrary, of Lee, moved that the resolution reported by the committee, be adopted, to wit:

Resolved, That there be printed five hundred copies of Mrs. Wittenmyer's report for the use of the Senate, and 1500 copies to be distributed by her among the Soldiers' Aid Societies of the State.

Senator Stubbs moved to amend the resolution by adding after the words "Mrs. Annie Wittenmyer's Report," the words, "and accompanying documents."

The yeas were, Senators Bassett, Burdick, Gray, Hogin, Hillyer, Parvin, and Stubbs—7.

The nays were, Senators Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gue, Hart, Hurley, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary, of Lee, McCrary of Van Buren, Moore, MoMillan, Patterson, Ross, Roberts, Saunders, Shippens, Udell, Wharton, and Young—35.

Senator Henderson excused.

The amendment was not adopted.

The resolution was adopted.

Senator McCrary, of Lee, offered the following Joint Resolution:

Resolved, by the Senate, the House concurring, That two thousand copies of the Governor's Special Message on Sanitary Affairs, and Mrs. Wittenmyer's communication on the same subject, be printed for the use of the General Assembly.

The resolution was not adopted.

Senate substitute for House File No. 11: A Bill for an Act to repeal Chapter 11 of the Acts of the Extra Session of the 8th General Assembly, entitled "An Act for the relief of volunteers who have been or may be mustered into the service of the United States Government," was taken up and read a third time.

The question being upon the passage of the bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Crookham, Clark, Foote, Flaugh, Gray, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van

Baren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton, and Young—37.

The nays were, none.

Absent without excuse, Senators, Clarkson, Dixon, Gue, McJunkin, and Stubbs.

Bill passed and title agreed to.

Senate File No. 101: A Bill for an Act to provide for the redemption of War and Defense Fund warrants and for appointing a Commissioner to settle claims against the United States and fixing his compensation, was taken up and read a third time.

On the question “Shall the Bill pass?”

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—34.

The nays were, Senators Cutler, Hilsinger and Parvin—3.

Absent without excuse, Senators Burdick and Hunt.

Bill passed and title agreed to.

House File No. 74: A Bill for an Act to amend chapter 57 of the Revision of 1860, was taken up and read a third time.

The question now being “Shall the Bill pass?”

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, and Young—39.

The nays were, Senator Knoll—1.

Absent without excuse, Senator Burdick.

Bill passed and title was agreed to.

Senate File No. 143: A Bill for an Act further defining the powers and duties of the Register of the State Land Office and providing for a Seal, was taken up and read a third time.

The question now being “Shall the Bill pass?”

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Young—36.

The nays were, Senators Gray, Hurley, Knoll and Parvin—4.

Absent without excuse, Senator Burdick.

Bill passed and title agreed to.

Senator Udell, by consent, called up House File No. 123: A Bill for an Act to provide for the appointment of Sanitary Agents and to define their duties and to provide for their compensation.

The Bill was read a first and second time, and referred to Committee on Military Affairs.

By consent, Senator Foote introduced the following Joint Resolution:

Resolved, By the Senate, the House concurring, that the Visiting Committees to the different State Institutions be allowed in full payment for expenses incurred, the mileage paid to the members of the Legislature from the place where such institution is located, to-wit:

To the Penitentiary at Fort Madison, \$57 each.

To the Asylum for the Insane at Mt. Pleasant, \$43.50 each.

To the State University and Asylum for the Deaf and Dumb at Iowa City, \$39 each.

To the Agricultural College and Farm at Story county, \$12 each.

That the keeper of the Warehouse be allowed \$3.00 per day during the session.

The resolution was adopted.

Senator Hunt, by consent, called up Senate File No. 199: A Bill for an Act to amend Section 1041 of the Revision of 1860.

The Bill was read a third time, and on the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Hunt, Hilsinger, Knoll, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Young—37.

The nays were, none.

Absent without excuse—Senators Dixon, McCrary of Lee, and Udell.

Bill passed and title agreed to.

The Senate adjourned.

SENATE CHAMBER,
Des Moines, March 8, 1864.

The Senate convened at 9 o'clock A. M.

Prayer was offered by the Rev. J. A. Nash.

The Journal of yesterday was read and approved.

By consent, the following Bills were introduced.

By Senator Udell: Senate File No. 215: A Bill for an Act amending Chapter 29 of the Acts of the Ninth General Assembly.

The Bill was read a first and second time, and referred to Judiciary Committee.

By Senator Bassett: Senate File No 216: A Bill for an Act requiring the recording of certified lists of Railroad lands.

The Bill was read a first and second time, and referred to Committee on Railroads.

By Senator Cutler: Senate File No. 217: A Bill for an Act to abolish the Board of Auditing Commissioners.

The Bill was read a first and second time, and referred to Committee on Military Affairs.

Senator Burdick called up joint resolution in relation to swamp lands, and on motion the resolution was made the special order for March 11th, at 10½ o'clock, A. M.

REPORTS OF COMMITTEES ON FILE.

Senate File No. 142: A Bill for an Act to facilitate the construction and operation of Railroads in the State of Iowa, was taken up, and read a third time.

The question being upon the passage of the Bill, the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Flanagh, Gray, Gue, Hart, Henderson, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Young—35.

The nays were, Senators Hurley, McJunkin, and Parvin—3. Senator Stubbs excused.

Absent without excuse—Senators Dixon and Foote.

Bill passed and title agreed to.

Senate File No. 113: A Bill for an Act authorizing the Trustees of the State University to sell the Saline lands, and for other purposes, was taken up.

Senator Udell offered the following amendment to the Bill:

Sec. 9. Nothing in this Act shall be construed to interfere with or render invalid any sales of the saline lands made under the provisions of Article 4, Chapter 84, of the Revision of 1860, or Chap-83, of the Session laws of the Ninth General Assembly.

Sec. 10. The Trustees of said University shall within sixty days after the taking effect of this Act, appoint a resident agent in each county where there are unpaid notes or contracts for the sale of any of said saline lands, whose duty it shall be to receive all or any part of the principal interest on said notes or contracts, whether the same be due or not, and when all of said purchase money is paid to said agent the Treasurer shall report the same as provided in Section 6 of this Act.

The amendments were adopted.

The question being upon the passage of the Bill,

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary, of Van Buren, Moore, McMillan, Patterson, Parvin, Roberts, Saunders, Shippen, Udell, Wharton, and Young—40.

The nays were, none.

Absent without excuse, Senator Ross.

Bill passed and title agreed to.

Senator Bassett called up Senate File No. 176, A Bill for an Act releasing to the United States certain occupied lands granted to the State of Iowa, and the Bill was made a special order for March 14, at 10½ o'clock, A. M.

Senate File No. 52, A Bill for an Act appropriating money for the State Library, was taken up.

On motion of Senator McCrary, of Lee, the Senate receded from its refusal to concur in the House amendments.

The question now being, "shall the Senate concur in the House amendments?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Young—40.

The nays were, Senator Burdick, —1.

The Senate concurred.

Mr. Boardman submitted the following report:

The Committee of Conference, to whom was referred House File No. 90, beg leave to make the following report:

We recommend,

1st. That the Senate recede from its amendment to section 1.

2d. That section 2 of the House bill, as well as the amendment thereto of the Senate, be stricken out and the following enacted instead thereof:

Section 2. A Superintendent of Public Instruction shall be elected by the General Assembly, who shall hold his office (for the term of two years and) until his successor is elected and qualified.

3d. That the House recede from its non-concurrence with Senate amendment of section 8.

All which is respectfully submitted.

N. BOARDMAN,
Chairman Senate Committee.

• A. B. F. HILDRETH,
Chairman House Committee.

By consent, Senator Hilsinger called up the report of the committee.

The recommendation of the committee that the Senate recede from its amendment to section 1, was adopted.

On the question "Shall the Senate recede from its amendment to section 2," Senator Udell demanded the yeas and nays.

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Clarkson, Flauth, Henderson, Hillyer, Hunt, Hilsinger, Knoll, McCrary of Van Buren, McMillan, Patterson, Parvin, Saunders, Wharton and Young—20.

The nays were, Senators Bridges, Crookham, Clark, Dixon, Gray, Gue, Hart, Hogin, Hurley, Hesser, King, McJunkin, McCrary of Lee, Moore, Ross, Roberts, Shippen and Udell—18.

There not being a constitutional majority voting in the affirmative, the Senate did not recede.

Senator Boardman moved to reconsider the vote by which the Senate refused to recede from its amendment.

The motion was adopted.

By consent, Senator Henderson offered the following Joint Resolution:

WHEREAS, It is currently reported that A. P. Burrhis, Postmaster of this General Assembly, did, on the 7th instant, illegally exercise the elective franchise in the corporation election of the city of Des Moines; and

WHEREAS, It is due to this General Assembly, and to the accused, that the charge should be investigated; therefore,

Resolved, by the Senate (the House of Representatives concurring), That a committee of two on the part of the Senate, and three on the part of the House, be appointed to investigate such charge, and report to the General Assembly what action is necessary to be had in the premises, and that, if said committee deem it necessary, they have power to send for persons and papers.

Senator McCrary, of Lee, moved to amend by inserting after the word "charge," the words, "and whether said Burrhis voted for any person who was not a Union candidate."

The amendment was adopted.

On motion, the resolution was adopted.

The Chair appointed Senators Henderson and McCrary, of Lee, on the part of the Senate.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed House File No. 94: A Bill for an Act to amend "An Act entitled An Act for the government and regulation of the State University of Iowa," in which the concurrence of the Senate is respectfully asked.

Also, Senate File No. 160: "A Bill for an Act to amend an act entitled 'An Act to change and fix the time of holding court in the 7th Judicial District, without amendment.'

Also, that the House of Representatives has passed the following concurrent resolution, in which the concurrence of the Senate is respectfully asked:

Resolved, by the General Assembly of the State of Iowa, That Colonel Williamson, of the 4th Iowa Infantry, be requested to parade his command in front of the State House, on Wednesday next, at a quarter past two o'clock P. M., to attend a reception by the State Legislature, and that we adjourn promptly at that hour.

JACOB RICH,

Chief Clerk House Representatives.

By consent, Senator Udell offered the following:

Rule. That when an amendment is made to a Bill in the House and comes back to the Senate, the amendment may be concurred in by a majority of those present, when the Bill shall immediately be put upon its final passage, which shall require a constitutional majority to pass.

Referred to the Committee on Rules.

On motion of Senator Moore, the House Resolution relative to the reception of the 4th Iowa Infantry was taken up and concurred in.

Received the following message from the House:

MR. PRESIDENT.—I am directed to inform your honorable body that the House of Representatives has passed the following concurrent resolution, in which the concurrence of the Senate is respectfully asked.

WHEREAS, It is reported to the House of Representatives of the State of Iowa, that one of the officers of the House, to-wit: A. P. Burrhis, elected jointly by the Senate and House of Representatives to the office of Postmaster, has violated the election laws of the State by voting in a precinct in the city of Des Moines to which he was not entitled by law; and

WHEREAS, It is reported and believed that the said Burras voted against or scratched the name of a justly esteemed citizen of Des Moines from the ticket voted for by the loyal and union citizens, thus giving aid and comfort to a political party in every sense at war with the views of the Representatives who elected the said Burrhis to the said office of Postmaster: as a just and proper vindication of our integrity and of our hearty sympathy with all men every where who unhesitatingly and without an if, desire to sustain the Government and institutions of our country: Therefore be it

Resolved, By the House of Representatives, the Senate concurring, that a Committee of three upon the part of the House be appointed to unite with such Committee as the Senate may appoint, to investigate all the facts in the case and report to this House as soon as practicable.

JACOB RICH,

Chief Clerk, House of Representatives.

On motion the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

By consent, the following bills were introduced:

By Senator Knoll: Senate File No. 218, A bill for an Act to amend Chapter 100 of the Revision of 1860, relative to the estate of decedents. The Bill was read a first and second time and referred to Judiciary Committee.

By Senator Hilsinger: Senate File No. 219, A Bill for an Act for the relief of Myron Collins, William L. Thomas, Matthew T. Dimond, Ezra Whipple and Abraham Israhart. The Bill was read a first and second time and referred to Committee on Claims.

By Senator Gray: Senate File No. 220, A Bill for an Act to amend Chapter 10 of the Acts of the Extra Session of the Eighth General Assembly, in relation to the Auditing Board. The Bill was read a first and second time, and referred to Committee on Military Affairs.

Senator Bassett called up Senate File No. 129, A Bill for an Act fixing the time of holding Courts in the Fourth Judicial District, and attaching certain counties in said District to others for Judicial purposes. The Bill was read a third time. Upon the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Shippen, Wharton and Young—38.

The nays were, none.

Absent without excuse, Senators Hatch, Moore, Roberts, and Udell.

Bill passed and title agreed to.

The Senate resumed the consideration of House File No. 90: A Bill for an Act to abolish the Board of Education of the State of Iowa, to provide for the election of a Superintendent of Public Instruction, and for other purposes.

On motion of Senator Burdick a call of the house was ordered. The roll was called, and Senator Roberts was found to be absent without excuse. Senator Roberts appearing, further proceedings on the call were dispensed with.

The question now being "Shall the Senate recede from its amendment to Section 2?"

The yeas were, Senators Burdick, Brunson, Brayton, Boardman, Brown, Cutler, Clarkson, Foote, Flaugh, Gray, Hart, Henderson, Hillyer, Hunt, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McMillan, Patterson, Parvin, Ross, Saunders, Wharton and Young—95.

The nays were, Senators Bassett, Bridges, Crookham, Dixon, Gue,

Hart, Hogin, Hurley, Hesser, Hatch, McOrary of Van Buren, Moore, Shippen and Udell—14.

Absent without excuse—Senators Clark and Roberts.

The Senate receded.

Senator Hart moved to amend the substitute for Section 2, offered by the Committee, by striking out all after the word office, and adding the following: until the 1st day of January, 1865, and that his successors shall be elected by the people, at the general election in 1864, and every two years thereafter.

The amendment was not adopted.

Upon the adoption of the substitute reported by the Committee, The yeas were, Senators Bassett, Dixon, Knoll, and Merrill—4.

The nays were, Senators Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Young—38.

The substitute was not adopted.

By consent, the following reports of Committees were submitted : By Senator Henderson :

The Committee on Federal Relations, to whom was referred a Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the construction of a military and wagon road to Idaho Territory, have had the same under consideration, and directed me to report the same back to the Senate and recommend the passage thereof.

H. C. HENDERSON, Chairman.

Also from the Judiciary, the following report :

The Judiciary Committee, to whom was referred Senate File No. 150 : A Bill for an act to regulate the collection of costs in civil cases, have had the same under consideration, and a majority of the committee have directed me to report the annexed substitute therefor and recommend its passage.

H. C. HENDERSON, for Judicial Com.

By Senator Patterson :

Your Committee on Township and County Organization, have had under consideration Senate File No. 170 : A Bill for an Act to establish the office of County Treasurer, to fix the time of election of County Treasurer, to define his duties and to fix his compensation, and have instructed me to report the same back and recommend its indefinite postponement.

Also Senate File No. 202 : A Bill for an Act to amend section 23 of sub-division of section 312 of chapter 22, of the Revision of 1860, and have directed me to report the same back and recommend its indefinite postponement.

Also Senate File No. 203 : A Bill for an Act to amend section 23 of sub-division of section 312 of chapter 22, of the Revision of

1860, and have directed me to report the same back and recommend its indefinite postponement.

J. G. PATTERSON, Chairman Com.

By Senator McCrary of Lee:

MR. PRESIDENT:—The Committee on the Judiciary to whom was referred various Bills to legalize the acts of Notaries Public, in accordance with the instructions of the Senate, have directed me to report the accompanying Bill, being a Bill for an Act to legalize the official acts of certain Notaries Public.

GEO. W. MCGRARY, Chairman.

By Senator Udell:

The Committee on Military Affairs, to whom was referred House File No. 128: A Bill to provide for the appointment of Sanitary Agents, define their duties and provide for their compensation, have had the same under consideration and a majority of said Committee have instructed me to report the same back and recommend its indefinite postponement.

By consent, Senator Gue called up House File No. 128: A Bill for an Act to provide for the appointment of Sanitary Agents, defining their duties and providing for their compensation, reported by the Committee, and on motion the Bill was indefinitely postponed.

REPORTS OF COMMITTEES ON FILE.

Substitute for House File No. 91: A Bill for an Act authorizing and requiring the several County Treasurers in this State to invest certain moneys of the State in United States Revenue Stamps and regulating the sale thereof, was taken up.

Senator Ross moved to amend Section 1 by striking out the words "and required," and inserting the words "in his discretion."

The amendment was adopted.

Senator Hillsinger moved to amend by striking out the word "State" in the 8th line and inserting the word "county." The amendment was adopted.

On motion of Senator Gray the Bill was indefinitely postponed.

Senator Bassett called up Senate File No. 177: A Bill for an Act to accept a conveyance of lands made to the State of Iowa for the benefit of her grantees, by the Cedar Rapids R. R. Company, to remit the forfeitures and penalties incurred by said company, and to extend the time for building their road and for other purposes.

On motion the Bill was made the special order for Tuesday, March 15th, at 10 o'clock A. M.

Senator Henderson offered the following resolution:

Resolved, by the Senate, That the copy of Worcester's Dictionary presented to the Senate at the present session, and any other books or papers belonging exclusively to the Senate, shall be preserved

in the office of the Secretary of State, and returned to the use of the Senate from session to session.

Adopted.

Senate File No. 213½, a substitute for Senate File Nos. 134 and 135: A Bill for an Act to repeal section 494 of chapter 32 of the Revision of 1860, and to enact a substitute therefor in relation to the manner of conducting elections.

Senator Roberts moved that the Bill be recommitted to the committee on elections with instructions to add a section. The motion was lost.

On motion the Bill was recommitted to the Committee on elections, and Senator Dixon was added to the committee.

Senate File No. 116: A Bill for an Act in relation to the guardianship of minors, was taken up.

Senator Young moved that the bill be indefinitely postponed.

The motion was lost.

Senator Parvin moved to add at the end of 12th line of Section 1 "where for any cause the father is incompetent to take care of and properly provide for the child or children."

The amendment was not adopted.

The Bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Brown, Cutler, Clarkson, Crookham, Dixon, Foote, Flaugh, Gue, Henderson, Hunt, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Roberts, Udell, and Wharton—25.

The nays were, Senators Boardman, Bridges, Clark, Gray, Hart, Hogin, Hurley, Hillyer, Hesser, Knoll, McJunkin, Patterson, Parvin, Ross, Saunders, Shippen and Young—17.

Bill passed and title agreed to.

On motion of Mr. Ross, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 9th, 1864.

Senate convened at 9 o'clock A. M.

Prayer was offered by the Rev. J. A. Nash.

Journal of yesterday read and approved.

By consent, Senator Ross called up Senate File No. 193, A Bill for an Act to regulate the levy and collection of certain taxes.

The Bill was read a third time, and on the question, "Shall the bill pass?"

The yeas were, Senators Brunson, Brayton, Boardman, Brown,

Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Wharton and Young—33.

The nays were, Senators Bassett, Burdick, Gray, Hillyer, Hilsinger, Knoll, and Udell—7.

Absent without excuse, Senators Bridges, and McCrary of Lee. Bill passed and title agreed to.

PETITIONS AND MEMORIALS.

By Mr. Flaugh: A remonstrance of citizens of Jasper county against the repeal of the Prohibitory Liquor Law.

Referred to Special Committee on Liquor Law.

By Mr. Gue: Petition of citizens of Scott county, in reference to the restraining of stock from running at large.

Referred to Committee on Agriculture.

By consent, Mr. Clarkson introduced Joint Resolution directing the Auditor of State to bring forward on his book to the credit of Grundy county, \$890.60, paid by that county into the State Treasury between Jan. 6, 1857 and August 13, 1857.

The Resolution was read a first and second time and referred to Committee on Township and County Organization.

REPORTS OF COMMITTEES ON FILE.

House File No. 71: A Bill for an Act to amend section 4145 and section 4147 of the Revision of 1860, was taken up.

Senator Brown moved to strike out the words "thirty-five cents" in section 1, and insert "not less than twenty-five nor more than fifty cents, as may be fixed by the Boards of County Supervisors."

The amendment was not adopted.

The Bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Young—36.

The nays were, Senators Hilsinger and Knoll—2.

Absent without excuse, Senators Henderson, Gue and King.

Senator McCrary of Lee excused.

Bill passed and title agreed to.

By consent, Mr. Udell introduced Senate File No. 222: A Bill for an Act to provide for the publication of an Act of this 10th General Assembly regulating the fees of District Attorneys.

The Bill was read a first and second time.

On motion of Senator Udell, the 11th rule was suspended and the Bill read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clark, Dixon, Foote, Flaugh, Gray, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hilsinger, King, McJunkin, McCrary of Van Buren, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Young.—32.

The nays were, Senators Brown and Knoll—2.

Absent and not excused—Senators Clarkson, Crookham, Henderson, Hatch, Moore and Parvin.

Bill passed and title agreed to.

The Chair announced that the hour had arrived for the consideration of special order Senate File No. 212½: A Bill for an Act to provide for the relief of the families of Iowa soldiers, and further compensation thereby to such soldiers for their services.

The Bill was taken up and made the special order for Wednesday, March 16th, 10 o'clock, A. M.

Senate File No. 100: A Bill for an Act to amend Section 1 of Chapter 154, of the Acts of the 9th General Assembly, was taken up and read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson Brayton, Boardman, Brown, Bridges, Cutler, Crookham, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Young—37.

The nays were, Senators Dixon and Hilsinger—2.

Absent without excuse—Senators Clarkson, Clark and Henderson.

Bill passed and title agreed to.

House File No. 80: A Bill for an Act entitled an Act for auditing the accounts of J. L. Mason, of Bentonsport, Iowa, was taken up and read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Brunson, Brayton, Brown, Crookham, Hart, Hogin, Hillyer, Hesser, McJunkin, McCrary of Van Buren, McMillan, Patterson, Ross and Saunders—14.

The nays were, Senators Bassett, Boardman, Bridges, Cutler, Clarkson, Clark, Dixon, Foote, Flaugh, Gray, Hurley, Hilsinger, Knoll, King, Moore, Merrill, Parvin, Roberta, Shippen, Udell, Wharton and Young—22.

Absent without excuse—Senators Burdick, Gue, Henderson, Hunt and Hatch.

There not being a constitutional majority in favor of the bill, the bill did not pass.

Senator Dixon moved to reconsider the vote by which the Senate failed to pass the bill.

The motion was adopted.

On motion of Senator Dixon, the vote by which the bill was ordered to a third reading was reconsidered, and the bill was referred to the Committee on Military Affairs.

Senate File No. 90: A Bill for an Act regulating the construction of mill dams and to facilitate the passage of fish up the rivers and other streams of this State, was taken up.

On motion of Senator Dixon, the bill was referred to a Special Committee, consisting of Senators Burdick, Hunt, Boardman, Clark, and Brunson.

By consent, Senator McCrary, of Van Buren, called up Senate File No. 197: A Bill for an Act supplemental to Chapter 99 of the Laws of the 7th General Assembly, approved March 22d, 1858, relating to the disposition of the Des Moines River Land Grants and the payment of certain audited claims, and on motion, the bill was made the special order for Thursday, March 17th, at 10 o'clock A. M.

By consent, Senator Brown introduced Joint Resolution in relation to—

(Omitted by Journal Clerk.)

Referred to Committee on Military Affairs.

By consent, Senator Patterson called up the Memorial for an appropriation for the location and construction of a military and wagon road up the valley of the Niobrara River, to Gallatin, in Idaho Territory.

The memorial was adopted.

House File No. 6: A Bill for an Act empowering counties to offer bounties on scalps of wild animals.

The following amendments, reported by the committee, were adopted:

In the seventh line of section 1, after the word "bounties," insert the following:

"In addition to those already provided by law."

And strike out all of sections two and three.

The bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Gray, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell, Wharton and Young —33.

The nays were, Senator Boardman —1.

Absent without excuse—Senators Burdick, Dixon, Foote, Gue, Henderson and Hunt.

Bill passed and title amended by inserting before the word "bounties" the word "additional."

Received the following message from the House:

MR. PRESIDENT: — I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate resolution relating to the P. M. of this General Assembly, and have appointed as Committee on the part of the House Messrs. Moir, Littler and Hixon, and has passed

House File No. 21: A Bill for an Act to provide for the support of the asylums for the blind, and deaf and dumb, and to repeal chapter 152 of the 9th General Assembly.

Also House File No. 22: A Bill for an Act making a further appropriation to the asylum for the blind, in which the concurrence of the Senate is respectfully asked.

The House has also passed Senate File No. 149: A Bill for an Act authorizing railroad companies to issue preferred stock and change the name of such companies, without amendment.

Also Senate File No. 64: A Bill for an Act to amend chapter 175, acts of the 9th General Assembly at its regular session, with the following amendments: Striking out the word "winding" in section 3, 5th line, and inserting the word "closing," and striking out all after the word "therefor" in the 11th line of same section, in which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk H. R.

By consent, Senator King introduced Senate File No. 223: A Bill for an Act to amend section 927 of the Revision of 1860. The Bill was read a first and second time and referred to Committee on Public Lands.

The Joint Resolution memorializing Congress for extension of time in which to complete the railroads, was taken up and laid on the table.

On motion of Senator Hatch the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock P. M.

Mr. Ross called up Senate File No. 107: A Bill for an Act authorizing the Governor to return land erroneously approved to the State.

Senator Henderson moved to amend by specifying "the lands to be released by the act."

The hour for adjournment to receive the Fourth Iowa Infantry having arrived, on motion of Senator Udell the Senate adjourned.

SENATE CHAMBER,
Des Moines, March 10th, 1864.

The Senate convened at 9 o'clock, A. M.
Prayer was offered by the Rev. Mr. Wharton.
Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Hesser: In reference to repeal of Prohibitory Liquor Law.

Referred to Special Committee on Liquor Law.

By Senator Gue: Petition of citizens of Northwestern Iowa in relation to the organization of new counties.

Referred to Committee on Township and County Organization, with instructions to inquire into the abuses referred to in the petition, and to report a remedy.

By consent, Senator McCrary of Lee, from Special Committee on resolution in reference to Post Master Burrhis, submitted the following report:

The Joint Committee of the two houses appointed to inquire whether A. P. Burrhis, Post Master of the General Assembly, voted illegally at the recent municipal election at Des Moines, and also, whether the said Burrhis voted for any person not a Union candidate, have had the same under consideration, have examined several witnesses, and beg leave to submit the following report:

Your Committee are unanimously of the opinion that the said A. P. Burrhis did cast an illegal vote at said election, but a majority of your Committee believe that he did not intentionally violate the law, and that he believed himself entitled to vote. He claims to reside in Des Moines, and there was no evidence before the Committee of a contrary intent but his residence is of only fifty-eight or fifty-nine days' duration. It is but just to say that he claims to have counted the day of the election as one of the sixty days' residence required by law, supposing it legal to do so.

Your Committee also find unanimously that the said Burrhis voted for one Morris for Mayor, and that he, the said Burrhis, did erase from his ticket the name of W. H. Leas, who was the Union candidate for that office. A majority of the Committee believe that the voting for Morris was *intentional*, and not through mistake.

And your Committee believing that it is not the desire of a majority of this General Assembly to continue to keep in office and to bestow patronage upon any person after being advised that he has cast a vote against a loyal candidate, and in favor of the nominees of a party organized in hostility to the Administration in this time

of National peril, beg leave to submit the accompanying joint resolution, and recommend its passage.

GEO. W. McCRARY, of the Senate.

Also, Joint Resolution for the removal of A. P. Burrhis from the office of Postmaster of the General Assembly.

By consent, Senator Gue called up the report of the committee. The resolution was read a first and second time.

Senator Dixon moved to amend the resolution by adding the following:

"For the reason that said Burrhis voted at the city election, in Des Moines, for a candidate for Mayor that is not a reliable Union man."

On the question of adopting the amendment, the yeas and nays were demanded, and the vote was taken with the following result:

The yeas were, Senators Brunson, Dixon, Gue, Hatch, McCrary of Lee, McCrary of Van Buren, and Wharton—7.

The nays were, Senators Bassett, Burdick, Brayton, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hilsinger, Knoll, King, McJunkin, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, and Udell—38.

Senator Henderson excused.

Absent without excuse, Senators Boardman and Stubbs.

The amendment was not adopted.

Senator Ross moved that the resolution be indefinitely postponed.

The motion was lost.

The question now being upon the adoption of the resolution, the yeas and nays were demanded, and the vote was taken with the following result:

The yeas were, Senators Bassett, Brunson, Brayton, Brown, Bridges, Clarkson, Crookham, Cutts, Foote, Flaugh, Gue, Hart, Hurley, Hillyer, Hatch, King, McJunkin, McCrary, of Lee, Moore, McMillan, Merrill, Roberts, Stubbs, and Wharton—24.

The nays were, Senator Burdick, Cutler, Clark, Dixon, Gray, Hogin, Hesser, Hunt, Hilsinger, Knoll, McCrary, of Van Buren, Patterson, Parvin, Ross, Saunders, Shippen, and Udell—17.

Absent without excuse, Senators Boardman and Young.

The resolution was adopted.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed Senate File No. 212: "A Bill for an Act to amend an act entitled an act to change the time of holding court in the Eighth Judicial District of the State of Iowa, approved February 4th, 1862."

Also, Senate File No. 222: A Bill for an Act to provide for the publication of an act of this Tenth General Assembly regulating the fees of district attorneys," without amendment.

Also, House File No. 148: "A Bill for an Act to make valid the proceedings of the corporate authorities of cities and towns the acts of officers thereof and the levy of taxes therein" in which the concurrence of the Senate is respectfully asked.

The House has also passed the following resolution:

Resolved, That the Clerk of this House is instructed to request the honorable Senate to furnish the House with the statements and vouchers referred to in Mrs. Wittenmyer's answer to resolutions, as accompanying that document.

JACOB RICH,

Chief Clerk, House of Representatives.

Received, the following communication from the Governor:

STATE OF IOWA, EXECUTIVE DEPARTMENT,))
E. M. M. - May 1, 1861-1864)

Des Moines, March 10th, 1864.

His Excellency Enoch W. Eastman, President of the Senate:

I desire to report to the Senate that I have not yet been able to procure the completed abstracts of titles to the lands mortgaged by members of the Capitol Building Association, to secure moneys borrowed from the School Fund, as directed by the Senate resolution of the 3d inst., and am advised by Thos. F. Withrow, Esq., the attorney selected by me to perform this labor, that it cannot be completed before next Monday.

He further informs me that from the examinations already made, the indications are that, after adding all the mortgage and judgment leins upon these lands to the years of accumulated taxes which remain unpaid, their entire value will be exhausted.

As soon as these abstracts are completed, I shall promptly report them to the Senate. W. M. STONE.

The Chair announced that the hour had arrived for the consideration of special order Senate File No. 106: A Bill for an Act to provide for the building used as a Capitol and the lots on which the same is situated, and to secure the School Fund and for other purposes.

By consent, Senator Foote called up the special message from the Governor in reference to the Bill. The message was read and on motion of Senator Foote the Bill was made the special order for Monday, March 14th, at 2½ P. M.

By consent, Senator Parvin, from Special Committee on Sanitary Affairs, submitted the following report:

The Select Committee, to whom was referred several petitions asking that the Act of the 9th General Assembly appointing Mrs. Annie Wittenmyer State Sanitary Agent, be not repealed, have had the same under consideration, and have instructed me to make the following report:

Your Committee are of the opinion that the indefinite postponement, by the Senate, of House File No. 123, entitled: "A Bill for an Act to provide for the appointment of Sanitary Agents and define their duties, and to provide for their compensation," is an answer

to the prayer of the petitioners, and no further legislation is necessary.

Respectfully submitted.

J. A. PARVIN, Chairman.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills have instructed me to report that they have examined Senate File No. 52: "An Act appropriating money for the State Library;"

Also, Senate File No. 160: "An Act to amend an Act entitled an Act to change and fix the time of holding courts in the seventh Judicial District;"

Also, House File No. 74: "A Bill for an Act to amend Chapter 57 of the Revision of 1860," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

By consent, Senator Parvin introduced Senate File No. 224: "A Bill for an Act to amend Section 6, Chapter 36, of the Laws of the Extra Session of the 9th General Assembly."

The Bill was read a first and second time and referred to Special Committee on Sanitary Affairs.

On motion of Senator Gray, the Special Committee on Sanitary Affairs was made a standing Committee.

Senator Dixon introduced Senate File No. 225: A Bill for an Act requiring Clerks of District Courts to certify to applications for pensions and other purposes and regulating fees for the same.

The Bill was read a first and second time.

Senator Stubbs moved to strike out the word "ten" in Section 2, and insert the words "twenty-five."

On this motion the yeas and nays were called and the vote was taken with the following result:

The yeas were, Senators Burdick, Crookham, Foote, Gray, Hart, Hurley, Hesser, Hunt, Hatch, Hilsinger, McCrary of Lee, Moore, Merrill, Ross, Roberts, Saunders, Stubbs, Shippen and Udell—18.

The nays were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Cutler, Clarkson, Clark, Cutts, Dixon, Flaugh, Hart, Hogin, Hillyer, Knoll, King, McJunkin, McCrary of Van Buren, McMullan, Patterson, Parvin and Wharton—22.

Absent without excuse—Senators Burdick, Bridges, Gue and Young.

The amendment was not adopted.

On motion the 11th rule was suspended, and the Bill was read a third time.

On the question "Shall the Bill pass?" the yeas and nays were called with the following result:

The yeas were Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van

Buren, Moore, McMillen, Merrill, Patterson, Parvin, Ross, Roberts, Sannders, Stubbs, Shippen, Udell and Wharton—37.

The nays were Senators Gray, Hurley and Knoll—3.

Absent without excuse, Senators Cutts, Gue and Young.

Bill passed and title agreed to.

Senator Ross gave notice that he would, to-morrow, or at some future day, introduce a Bill to correct a law of the present session of the General Assembly.

REPORTS OF COMMITTEES ON FILE.

Mr. Ross called up Senate File No. 107, A Bill for an Act to return land erroneously approved to the State.

Senator Ross moved that the Bill be referred to a Special Committee to consist of Senators Bassett, Patterson and Hunt.

Senator Bassett moved to amend the motion by adding to the Committee, as Chairman, Senator Ross.

The motion as amended was adopted.

By consent, Senator Brayton from Special Committee, submitted the following report:

MR. PRESIDENT:—The Special Committee to whom was referred the petition of E. C. David and others, in relation to the Iowa Emigration Society, have instructed me to report the accompanying bill and recommend its passage.

J. M. BRAYTON, of Committee.

Also, Senate File No. 226, A Bill for an Act to encourage immigration to Iowa.

The bill was read a first and second time and placed on file.

Senator McCrary of Lee called up House File No. 67, A Bill for an Act to amend an Act entitled an Act to provide for the appraisement of property sold under execution.

Senator Hilsinger moved to amend the substitute reported by the Committee, by striking out all of section 1, after the enacting clause.

The amendment was not adopted.

Senator Patterson moved to amend by adding to section 4, "and be subject to redemption for one year as provided by law."

The amendment was adopted.

Senator Hilsinger moved to amend by adding after the word "found" in the 5th line of Sec. 2, the words "in the County."

The amendment was not adopted.

The substitute was not adopted, and the Bill was read a third time.

The question being upon the passage of the Bill, the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Hogin, Harley, Hillyer, Hesser,

Hunt, Hatch, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Wharton—39.

The nays were, Senators Bridges, Flaugh and Hilsinger—3.

Absent without excuse, Senator Young.

Bill passed and title agreed to.

On motion of Senator Roberts the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock, P. M.

Senator Roberts moved to reconsider the vote by which the Senate passed House File No. 67: A Bill for an Act to amend an act entitled an act to provide for the appraisement of property sold under execution.

Senator Ross moved that the motion be laid upon the table. The motion was adopted.

Leave of absence was granted to Senator McCrary, of Lee.

Received, the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has concurred in the resolution removing A. P. Burrhis from the office of Postmaster of the General Assembly.

Also, that the House has adopted the following concurrent resolution, in which the concurrence of the Senate is respectfully asked.

Resolved, by the House of Representatives, the Senate concurring, That Theodore Guelich be and he is hereby appointed Postmaster to this General Assembly during the remainder of this session, at a compensation of four dollars per day; and that he be authorized to employ a mail carrier at a per diem of two dollars per day.

Also, that the House has concurred in the Senate resolution allowing pay for expenses incurred by the Visiting Committees to the different State institutions.

JACOB RICH, Chief Clerk H. R.

Senator Foote called up the message, and the Senate concurred in the House joint resolution appointing Theodore Guelich as Postmaster of the General Assembly, and authorizing him to employ a mail carrier, and fixing their compensation.

Senator King called up Senate File No. 179: A Bill for an Act to legalize the action of the Board of Supervisors of Benton county, making appropriation for the payment of bounties for enlistments. The Bill was read a third time.

On the question "Shall the Bill pass?" the yeas and nays were called with the following result:

The yeas were, Senators Brayton, Boardman, Bridges, Cutler, Clarkson, Clark, Dixon, Gue, Hart, Hogin, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McMillan, Patterson, Roberts, Saunders, Shippen and Young—28.

The nays were, Senators Bassett, Burdick, Brunson, Brown, Crookham, Cutts, Foote, Flaugh, Gray, Hurley, Hillyer, McCrary of Van Buren, Moore, Merrill, Parvin, Ross, Udell, Wharton—18.

There not being a constitutional majority in favor of the Bill, the Bill did not pass.

By consent, the following bills were introduced:

By Senator Udell: Senate File No. 227: A Bill for an Act in relation to enlistments in this State.

The bill was read a first and second time and referred to Committee on Military Affairs.

By Senator Knoll: Senate File No. 228: A Bill for an Act providing for the election of township and city assessors.

The bill was read a first and second time and referred to Committee on Township and County Organization.

By Senator Boardman: Senate File No. 229: A Bill for an Act to provide for the issuing of State Bonds in all cases of indebtedness on the part of the State to the permanent School Fund, and for other purposes.

The bill was read a first and second time and referred to Committee on Schools.

By Senator Hunt: Senate File No. 230: A Bill for an Act to confirm and legalize the acts of J. A. Cramer, a Notary Public in and for Clayton county.

The bill was read a first and second time and referred to Judiciary Committee.

Senator Shippen called up Senate File No. 171: A Bill for an Act to amend sections 12 and 18 of chapter 102 of the Laws of the 9th General Assembly.

Senator Hilsinger moved that the bill be indefinitely postponed. The motion was adopted.

By Senator McCrary, of Van Buren: Senate File No. 231: A Bill for an Act in relation to claims against the Des Moines River Lands.

The bill was read a first and second time and referred to Special Committee on Des Moines River Lands.

Senator Crookham gave notice that he would, to-morrow, introduce a bill to prevent disturbances at elections.

On motion of Senator Udell, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 11th, 1864.

The Senate convened at 9 o'clock A. M.
Prayer was offered by the Rev. Mr. Brunson.

Journal of yesterday read and approved.

Senator Parvin moved to reconsider the vote by which the Senate failed to pass Senate File No. 179: A Bill for an Act to legalize the acts of the Board of Supervisors of Benton county making appropriations for the payment of bounties for enlistments.

The motion prevailed, and on the question, Shall the bill pass? the yeas and nays were called, with the following result:

The yeas were, Senators Brunson, Brayton, Boardman, Bridges, Clarkson, Clark, Dixon, Gue, Hart, Hogin, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McOrary, of Lee, McCrary, of Van Buren, McMillan, Patterson, Saunders, Shippen and Young—23.

The nays were, Senators Bassett, Brown, Crookham, Cutts, Foote, Flaugh, Gray, Hurley, Hillyer, Moore, Merrill, Parvin, Ross, Roberts, Udell and Wharton—16.

Absent without excuse, Senators Burdick and Cutler.

There not being a constitutional majority in favor of the bill, the bill did not pass.

Senator Hilsinger moved to reconsider the last vote by which the Senate failed to pass the bill.

The motion was adopted.

Senator Brown moved to reconsider the vote by which the Bill was ordered to a third reading.

The motion was lost.

The question now being upon the passage of the Bill the yeas and nays were called with the following result:

The yeas were, Senators Brunson, Brayton, Boardman, Clarkson, Clark, Dixon, Gue, Hart, Henderson, Hogin, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Patterson, Saunders and Young—23.

The nays were, Senators Brayton, Boardman, Crookham, Cutts, Foote, Flaugh, Gray, Hurley, Hillyer, Moore, Merrill, Parvin, Ross, Roberts, Shippen, Udell and Wharton—18.

Absent without excuse—Senators Burdick and Cutler.

There not being a constitutional majority in favor of the bill, the bill did not pass.

By consent, Senator Udell, from Committee on Ways and Means submitted the following report:

The Committee of Ways and Means have had under consideration Senate File No. 185. A Bill for an Act to appropriate money to pay off certain judgments against the Warden of the Iowa Penitentiary and have instructed me to report the same back with the following amendment:

Add another Section to-wit: That the Warden shall not pay over said money until I. F. Edwards and George Shedd shall separately file with him a full receipt and release for all claims they may have had against the State and Penitentiary up to the time of rendering

the several judgements above mentioned ; and when so amended the Committee recommend the passage of the bill.

UDELL.

By consent, Senator Brayton from Committee on Elections submitted the following report:

The Committee to whom was referred substitute for Senate File Nos. 134 and 135: "A Bill to repeal Section 494, of Chapter 32, of the Revision of 1860, and to enact a substitute therefor in relation to the manner of conducting elections," have had the same under consideration and instructed me to report the same back to the Senate with the following amendments, to-wit: Add to the fourteenth line of Section 1 the words "court and in what;" also strike out the word "any," in the seventeenth line of said Section and insert the word "said;" also strike out the words "in said county or city," in the eighteenth line of said Section, and thus amended its passage is recommended.

J. M. BRAYTON, Chairman.

Senator Crookham, in pursuance to notice given yesterday, introduced Senate File No. 232: A Bill for an Act to prevent disturbance and drunkenness on all election days held by the people of the State of Iowa.

The Bill was read a first and second time, and referred to the Judiciary Committee.

REPORTS OF COMMITTEES ON FILE.

Joint resolution instructing the Auditor of State to collect money on notes turned over by James D. Eads, was taken up, and the amendment reported by the Committee adopted.

On motion the resolution was adopted.

House File No. 17: A Bill for an Act for the relief of Catharine Morris, sister of Edward Morris, deceased, was taken up.

Senator Boardman moved that the Bill be indefinitely postponed. The motion was lost.

The Bill was read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were called, with the following result :

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flauth, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell and Young
—40.

The nays were, Senators Boardman and Wharton—2.

Absent without excuse—Senator Brayton.

Bill passed and title agreed to.

The Chair announced that the hour had arrived for the consid

eration of Special Order, Senate File No. 86, A Bill for an Act making an appropriation for, and directing the erection of an Agricultural College.

The first amendment recommended by the Committee was adopted.

Senator Dixon moved to amend the second amendment recommended by the Committee, by striking out the words, "good, durable," and inserting the word "brick."

The amendment was adopted.

On motion, the second amendment recommended by the Committee was adopted.

The third, fourth and fifth amendments recommended by the Committee were adopted.

Senator Clarkson moved to fill the blank in Sec. 4, by inserting the words "fifteen thousand."

The motion was adopted.

The Bill was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were called with the following result:

The yeas were, Senators Brunson, Brayton, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McOrary of Lee, McCrary of Van Buren, Moore, McMillen, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Wharton and Young—39.

The nays were, Senator Udell—1

Absent without excuse—Senators Bassett, Burdick, and Boardman.

Bill passed and title was agreed to.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed Senate File No. 95, "A Bill for an Act to provide for the preliminary survey of a ship canal route from the State of Iowa eastward, to the Illinois river," with amendments.

Also the following concurrent resolution :

Resolved, By the House of Representatives, the Senate concurring, That this General Assembly do adjourn *sine die* on the 29th of March inst. In all of which the concurrence of the Senate is respectfully asked.

JACOB RICH,
Chief Clerk House Representatives.

Special order Senate File No. 108: A Bill for an Act providing for the erection of an Arsenal Building, was taken up.

The Bill was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were called, with the following result :

The yeas were, Senators Bassett, Burdick, Brunson, Brayton,

Brown, Bridges, Clarkson, Crookham, Clark, Foote, Flaugh, Gray, Gue, Hogin, Hurley, Hillyer, Hesser, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell and Young—32.

The nays were, Senators Cutler, Cutts, Dixon, Hart, Henderson, Hilsinger, Knoll, King and Wharton—9.

Absent without excuse, Senators Boardman and Hunt.

Bill passed and title agreed to.

Special order Senate File No. 158: A Bill for an Act making appropriation for a new building for the Iowa State University.

The amendment recommended by the Committee to strike out the word "five," in Section 1, was adopted.

The Bill was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Burdick, Brayton, Bridges, Clarkson, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, Moore, McMillan, Patterson, Parvin, Roberts, Saunders, Shippen and Young—32.

The nays were, Senators Brunson, Brown, Crookham, Hillyer, Merrill, Ross, Udell and Wharton—8.

Absent without excuse—Senators Boardman, Cutler, and McCrary of Van Buren.

Bill passed and title agreed to.

Special order Senate File No 139: A Bill for an Act making further appropriation for the Hospital for the Insane, was taken up, and the substitute reported by the Committee was adopted, and the bill was read a third time.

The question now being upon the passage of the Bill, the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Burdick, Brunson, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Henderson, Hogin, Hurley, Hillyer, Hesser, Hant, Hatch, King, McJunkin, McCrary of Lee, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Udell and Wharton—33.

The nays were, Senators Brown, Cutts, Gue, Hart, Hilsinger and Knoll—6.

Absent without excuse, Senators Brayton, Boardman, McCrary of Van Buren, and Young.

Bill passed and title agreed to.

Special order Senate File No. 105: A Bill for an Act to permanently locate the Asylum for the deaf and dumb, and to provide a building for the same, was taken up.

Senator Henderson moved to amend the Bill by striking out of Section 1 the words "the city of Des Moines, the capital of the

State," and inserting the words "Marshalltown, Marshall county, Iowa."

Senator Burdick moved to amend the amendment by striking out the words "Marshalltown, Marshall county, Iowa," and inserting the words "Decorah, Winnesheik county, Iowa."

The amendment was not adopted.

Senator Parvin moved to amend by striking out the words "Marshalltown, Marshall county, Iowa," and inserting the words "Muscatine, Iowa."

The amendment was not adopted.

Senator McJunkin moved to amend by striking out the words "Marshalltown, Marshall County, Iowa." and inserting the words "Washington, Iowa."

The amendment was not adopted.

Senator Brown moved to amend by striking out the words "Marshalltown, Marshall county Iowa," and inserting the words "College Farm, Story county, Iowa.

The amendment was not adopted.

Senator Boardman moved to amend by striking out the words "Marshalltown, Marshall county, Iowa," and inserting the "City of Lyons, provided the city shall furnish a suitable building costing \$50,000, for \$15,000."

Pending this motion, on motion of Senator Hunt, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that, on the 10th inst. they presented to His Excellency the Governor, for his signature, Senate File Nos. 52, 160 and 5.

J. A. PARVIN, Chairman.

Senator Hunt was excused.

The Senate resumed the consideration of Special Order, Senate File No. 105, A Bill for an Act to permanently locate the Asylum for the Deaf and Dumb, and provide for a building for the same.

Senator Boardman withdrew his amendment pending on the adjournment of the Senate.

The question now being upon Senator Henderson's amendment, Senator Patterson demanded the yeas and nays with the following result:

The yeas were, Senators Brunson, Brayton, Cutler, Clark, Cutts, Hart, Henderson, Knoll, Patterson, and Saunders—10.

The nays were, Senators Bassett, Burdick, Boardman, Cutler,

Crookham, Dixon, Foote, Flaugh, Gray, Gue, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, Moore, McMillan, Patterson, Saunders, Udell, and Wharton—22.

Absent without excuse, Senators Brown, Bridges, Clarkson, King, McJunkin, McCrary, of Lee, McCrary of Van Buren, Merrill, Roberts, Shippen and Young.

The amendment was not adopted.

Senator Henderson moved to amend the Bill by striking out the words, "the City of Des Moines, the capital of the State," and insert the words "Fort Dodge in Webster county, Iowa."

The amendment was not adopted.

Senator Boardman offered the following amendment: Strike out of 1st section all after the enacting clause and insert the following:

That if, in the opinion of the Trustees of the Deaf and Dumb Asylum, the buildings now occupied by said institution are so inadequate as to render another building necessary for its accommodation; that the institution be located at Lyons, in Clinton county, provided that a building suitable for the institution, in the opinion of its Trustees, worth fifty thousand dollars, can be had at such location for the sum of \$15,000.

On the adoption of the amendment the yeas and nays were demanded and the vote was taken, with the following result:

The yeas were, Senators Brayton, Boardman, Cutler, Clarkson, Clark, Hart, Knoll, King, Saunders and Wharton—10.

The nays were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Henderson, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Shippen, Udell, and Young —31.

Absent without excuse—Senator McJunkin.

The amendment was not adopted.

Senator Patterson moved that the Bill be indefinitely postponed. The motion was lost. The Bill was read a third time.

On the question "Shall the Bill pass?" the vote was taken with the following result:

The yeas were, Senators Burdick, Brayton, Bridges, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Young—31.

The nays were, Senators Brunson, Boardman, Clarkson, Cutts, Henderson, King, Patterson, Parvin and Wharton—9.

Leave of absence was granted to Senators Bassett and Brown.

Absent without excuse, Senator Cutler.

Bill passed and title agreed to.

Special order Senate File No. 195: A Bill for an Act for the improvement of the State Penitentiary, was taken up.

Mr. McCrary of Lee, offered the following amendment to the Bill.

Section 9. There is also hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the further sum of fourteen thousand dollars for the erection of a fire proof two story brick building suitable for a kitchen, dining room, chapel and hospital to be erected upon the site where the old frame building used for these purposes now stands. Said building shall be erected under the supervision of the Warden of the Penitentiary upon whose order the money shall be drawn as needed in the erection of said building.

On the adoption of this amendment the yeas and nays were demanded and the vote was taken with the following result:

The yeas were, Senators Brunson, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Hart, Hogin, Hurley, Hesser, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Merrill, Roberts, Saunders, Stubbs and Shippen—21.

The nays were, Senators Burdick, Clarkson, Flaugh, Gray, Hillier, Hatch, Knoll, King, McJunkin, Moore, Patterson, Parvin, Ross, Udell, Wharton and Young—16.

Absent without excuse—Senators Boardman, Brown, Gue and Henderson.

The amendment was adopted.

The Bill was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were called with the following result:

The yeas were, Senators Bassett, Brunson, Cutler, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hesser, Hatch, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merril, Roberts, Saunders, Stubbs, Shippen and Udell—27.

The nays were, Senators Burdick, Bridges, Clarkson, Clark, Hillier, Hilsinger, Knoll, Patterson, Parvin, Ross, Wharton and Young—12.

Absent without excuse—Senators Brayton, Boardman and Henderson.

Bill passed and title agreed to.

By consent, Senator Dixon introduced the following Resolution:

Resolved, That the Sergeant-at-Arms be required to keep the Senate Chamber at all times well ventilated, and to keep the temperature at 62 degrees Fahrenheit.

Senator Stubbs moved to amend the resolution by striking out 62 and inserting 68.

The amendment was not adopted.

On motion the resolution was adopted..

By consent, Senator Udell called up House Joint Resolution in reference to the time of adjournment of the present General Assembly.

The Resolution was read a first and second time and adopted.

Senator Saunders called up Senate File No. 95: A Bill for an Act providing for the preliminary survey of a Ship Canal route from the State of Iowa eastward to the Illinois River.

The question being upon the concurrence of the Senate in the House amendment, the yeas and nays were called with the following result:

The yeas were, Senators Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clark, Gray, Gue, Hogin, Hurley, Hesser, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Roberts, Saunders, and Wharton—25.

The nays were, Senators Clarkson, Crookham, Cutts, Dixon, Foote, Flauth, Hart, Hillyer, Hilsinger, Stubbs, and Young—11.

Absent without excuse, Senators Henderson, Hatch, Patterson, Shippen, and Udell.

The Senate concurred.

Senator Clark called up House File No. 148: A Bill for an Act to make valid the proceedings of the corporate authorities of cities and towns, the acts of officers thereof, and the levy of taxes therein.

The bill was read a first and second time.

On motion, the 11th rule was suspended, and the bill was read a third time.

The question now being upon the passage of the bill, the yeas and nays were called, with the following result:

The yeas were, Senators Brunson, Brayton, Boardman, Bridges, Cutler, Clark, Cutts, Foote, Flauth, Gray, Hart, Henderson, Hogin, Hesser, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary, of Van Buren, Moore, McMillan, Merrill, Ross, Roberts, Saunders, Stubbs, Shippen, and Udell—29.

The nays were, Senators Burdick, Crookham, Hillyer, Knoll, and Wharton—5.

Absent without excuse, Senators Clarkson, Dixon, Gue, Hurley, Patterson, and Parvin.

Bill passed and title agreed to.

By consent, Senator McJunkin, from Committee on Schools, submitted the following report:

Your Committee on Schools to whom was referred Senate File No. 196, entitled a "Bill for an Act to amend section 89 of Chapter 172 of the acts of the 9th General Assembly and to authorize independent school districts to levy a tax, not to exceed 10 mills on the dollar, on the taxable property of such districts," have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

J. F. MCJUNKIN.

On motion of Senator Hatch, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 12th, 1864.

The Senate convened at 9 o'clock A. M.
Prayer was offered by the Rev. Mr. Bresee.
Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Stubbs: A remonstrance of citizens of Mt. Pleasant against the repeal of the Act of the 9th General Assembly appointing Mrs. Annie Wittenmver as Sanitary Agent of this State. Referred to Committee on Sanitary Affairs.

By Senator Henderson: In reference to repeal of Prohibitory Liquor Law, and the enactment of a law prohibiting sale of lager beer. Laid upon the table.

By Senator Burdick: Remonstrance of A. Bradist and fifty others, merchants of Decorah, Iowa, against requiring foreign Insurance Companies to give bonds in this State. Referred to Committee on Incorporations.

MESSAGES FROM THE HOUSE.

Joint Resolution asking for additional mail facilities, was taken up and referred to Committee on Federal Relations, with instructions to inquire as to the practicability of a daily mail route from Cedar Falls, in Black Hawk county, to Mitchell, in Mitchell county.

House File No. 22: A Bill for an Act making a further appropriation for the Asylum for the blind, was taken up and read a first and second time.

On motion the 11th rule was suspended, and the Bill was read a third time.

On the question of the passage of the Bill the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, and Wharton—41.

The nays were, none.

Absent without excuse, Senators McJunkin and Ross.

Bill passed and title agreed to.

House File No. 21: A Bill for an Act to provide for the support of the Asylums for the blind, and deaf and dumb, and repeal chapter 152 of the 9th General Assembly, was taken up. The Bill was

read a first and second time, and referred to Committee on Ways and Means.

Senate File No. 64: A Bill for an Act to amend chapter 175, acts of the 9th General Assembly at its regular session, was taken up.

On the question shall the Senate concur in the House amendments the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Crookham, Cutts, Foote, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell and Wharton—36.

The nays were, Senators Dixon, Flaugh, Knoll, and Ross—4.

Absent without excuse, Senators Clarkson, Clark, Patterson, and Young.

The Senate concurred.

Received the following message from the House:

MR. PRESIDENT.—I am directed to inform your honorable body that the House of Representatives has concurred in Senate amendment to House File No. 90, A Bill for an Act abolishing the Board of Education, and for other purposes."

Also, that the House has concurred in the "Memorial to Congress asking for an appropriation for the location and construction of a Military and Wagon Road up the Valley of the Niobrara River to Gallatin, in Idaho Territory."

JACOB RICH,
Chief Clerk House Representatives.

House File No. 94, A Bill for an Act to amend an Act entitled "an Act for the government and regulation of the State University of Iowa."

Read a first and second time and referred to Committee on University and University Lands.

House Resolution asking the Senate to furnish the House of Representatives with the papers and vouchers referred to in Mrs. Wittenmyer's report, was taken up, and referred to Committee on Military Affairs.

REPORTS OF COMMITTEES ON FILE.

Joint Resolution instructing the Board of Auditing Commissioners to audit the claim of S. T. Pierce, or so much as may appear due him, was taken up.

Senator McCrary of Lee moved to fill up the blank with the words "November, 1862, and January and February, 1863.

The amendment was adopted.

On motion, the resolution was adopted.

Senate File No. 140, A Bill for an Act to amend Section 3719 of

the Revision of 1860, was taken up and indefinitely postponed.

Senate File No. 144, A Bill for an Act to repeal Section 2624 of the Revision of 1860 in relation to the time of holding the terms of the Supreme Court, and to provide a substitute therefor.

The amendments reported by the Committee were adopted, and the Bill was read a third time.

The question now being upon the passage of the Bill, the yeas and nays were called with the following result:

The yeas were, Senators Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Saunders, Shippen, Udell and Wharton—37.

The nays were, Senators Brown, Hillyer, Parvin and Stubbs—4. Senators Bassett and Young excused.

Absent without excuse—Senator Roberts.

Bill passed and title agreed to.

The Chair announced that the hour had arrived for the consideration of special order joint resolution in relation to swamp lands.

The resolution was taken up, and made the special order for March 16th, 9½ o'clock, A. M.

Senate File No. 148: A Bill for an Act to amend Chapter 173 of the laws of the Ninth General Assembly, was taken up. Senator Dixon moved that the Bill be referred to a Special Committee to consist of Senators Cutts, Hart and Hunt.

The motion was adopted.

Senate File No. 166: A Bill for an Act to amend Section 3305 of the Revision of 1860, in relation to exemptions from executions, was taken up.

Senator Roberts moved that the Bill be indefinitely postponed.

The motion was adopted.

Senate File No. 153: A Bill for an Act to fix the compensation of guards of the Iowa Penitentiary.

The amendments reported by the Committee were adopted.

The Bill was read a third time, and on the question being "Shall the Bill pass?" the yeas and nays were called, with the following result.

The yeas were, Senators Burdick, Brunson, Brayton, Boardman, Brown, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—39.

The nays were, Senators Bridges, King and Parvin—3.

Absent without excuse—Senator Cutler.

Bill passed and title agreed to.

Senate File No. 141: A Bill for an Act to amend Chapter 45 of the Revision of 1860, in relation to Revenue, was taken up.

Senator Foote moved to amend the Bill by striking out the word "four," in Section 1, and inserting the word "six."

The amendment was adopted.

Senator Clarkson offered the following amendment to Section 1:

"Provided that a county with less than 100 inhabitants shall not levy a county tax exceeding one mill on the one dollar valuation."

The amendment was adopted.

Senator Gray moved that the Bill be recommitted to Committee on Ways and Means.

The motion was lost.

The Bill was read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were called, with the following result:

The yeas were, Senators Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—33.

The nays were, Senators Brunson, Brayton, Crookham, Gray, Hillyer, Knoll and Parvin—7.

Senator Udell excused.

Bill passed and title agreed to.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills have instructed me to report that they have examined Senate File No. 222: "An Act to provide for the publication of an Act of the Tenth General Assembly, regulating the fees of District Attorneys."

Also Senate File No. 212 "An Act to amend an Act entitled an Act to change the times of holding Courts in the Eighth Judicial District of the State of Iowa, approved February 4th, 1862."

Also Senate File No. 149: "An Act authorizing Railroad Companies to issue preferred stock, and change the name of such Companies," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

On motion of Senator Brunson the Senate adjourned till Monday, 9 o'clock, A. M.

SENATE CHAMBER,
Des Moines, Iowa, March 14th 1864.

The Senate convened at 9 o'clock A. M.

Prayer was offered by the Rev. J. M. Chamberlain.
Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Henderson: Memorial of Board of Supervisors of Marshall county in relation to collection of taxes on cattle, &c.

Referred to Committee on Ways and Means.

By Senator Henderson: A remonstrance against the repeal of the Prohibitory Liquor Law.

Laid on the table.

By Senator Patterson: Petition of Irving W. Card and sixty others, for a law authorizing counties to become purchasers of lands at tax-sales, &c.

Referred to Committee on Township and County Organization.

By Senator Crookham: Memorial of the Society of Friends, asking for such modification of the State Militia Law as that members of the Society may be discharged from the obligation of militia training.

Referred to Committee on Military Affairs.

By Senator Saunders: A remonstrance against the removal of Mrs. Annie Wittenmyer from her position as State Agent of the Sanitary Commission.

Referred to Committee on Military Affairs.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills, report that on the 12th inst., they presented to his Excellency, the Governor, for his signature, Senate File Nos. 222, 212 and 149.

J. A. PARVIN, Chairman.

Senator Ross, by consent, moved to reconsider the vote by which the Senate passed Senate File No. 141: A Bill for an Act to amend Chapter 45 of the Revision of 1860, in relation to revenue.

The motion was adopted.

On motion of Senator Ross, the vote was reconsidered by which the bill was ordered to a third reading, and the bill was referred to a Special Committee, of which Senator Bassett is chairman.

The Chair added to the committee Senators Woolson and Foote.

By consent, Senator Foote, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means, to whom was referred House File No. 21: An Act to provide for the education and support of the Blind, Deaf, and Dumb, have considered the same and have instructed me to recommend the following addition to section 6: "And also, the number, kind, and value of the articles manufactured and sold," and when so amended to recommend its passage.

JOHN G. FOOTE.

Senator Foote called up House File No. 21 : A Bill for an Act to provide for the support of the Asylums for the Blind and Deaf and Dumb and to repeal Chapter 152 of the Laws of the Ninth General Assembly.

The amendment recommended by the committee, was adopted.

The bill was read a third time, and on the question, "Shail the bill pass?" the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flauth, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillier, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, and Wharton—42.

The nays were, none.

Absent without excuse, Senators Burdick and Woolson.

Bill passed and title agreed to.

By consent, Senator Parvin, from Committee on Township and County Organization, submitted the following report:

Your Committee on Township and County Organizations have had under consideration Senate File No. 209 : A Bill for an Act extending the time for which the members of the County Board of Supervisors may receive compensation, and have directed me to report the same back and recommend its indefinite postponement.

Also Senate File No. 228 : A Bill for an Act providing for the election of Township and City Assessors, and make same recommendation.

Also Senate File Nos. 41, 67 and 68, were at an early day in the session referred to a member of the committee and forgotten, and on the chairman of your committee being unable to account for such bills to the person by whom they were introduced, he drew another bill embodying the purpose of these three bills and had the same placed on the files. And as your committee have already passed upon a bill on the same subject and reported it back, would ask to be discharged from further consideration of the subject of such bills, and report them back without recommendation.

J. G. PATTERSON, Chairman.

Your Committee on Township and County Organization, to whom was referred Joint Resolution directing the Auditor of State to bring forward on his book to the credit of Grundy county \$890.60, paid by that county into the State Treasury between Jan. 6, 1857, and Aug. 13, 1857, have had the same under consideration, and directed me to report the same back with the following title and Bill as a substitute for the resolution, and recommend its passage.

J. G. PATTERSON, Chairman.

Senator Clarkson called up Joint Resolution correcting the ac-

count of the State with Grundy county. The Bill was read a first and second time.

On motion, the 11th rule was suspended.

The Chair announced that the hour had arrived for the consideration of Senate File No. 176: A Bill for an Act releasing to the United States certain lands granted to the State of Iowa.

Senator McCrary of Lee, offered a substitute for the Bill.

On motion of Senator Crookham the Bill was made the special order for Wednesday, March 16th, 2 o'clock P. M., and the substitute was ordered to be printed.

Received, the following communication from the Governor:

STATE OF IOWA, EXECUTIVE DEPARTMENT, }
DES MOINES, March 14, 1864. }

His Excellency Enoch W. Eastman, President of Senate:

SIR:—I herewith enclose a communication from Thos. F. Withrow, Esq., who was directed by me, in pursuance of a resolution of the Senate of the 3d inst., to examine titles to lands mortgaged by the Capitol Building Association to secure money borrowed of the School Fund; and also an abstract furnished by the Attorney General of lands in Warren county.

In connection with Mr. J. G. Weeks, who has the complete records in his possession, Mr. Withrow has been engaged upon the abstracts since receiving my order, and I regret that, on account of the great amount of labor involved, he has not yet had time to finish them.

Your obedient servant,

W. M. STONE.

Received the following communication from the Governor:

EXECUTIVE OFFICE, DES MOINES, }
March 14, 1864. }

Gentlemen of the Senate:

I herewith return to the Senate—being the body with whom it originated—an Act entitled “an Act to provide for the publication of an Act of this Tenth General Assembly, regulating the fees of District Attorneys,” without my approval.

The Act which is intended to be published by this Act is an amendment to Chapter 19 of the Acts of the *Extra Session* of the Ninth General Assembly which relates to the salaries of District Attorneys, and the Act herewith returned mis-recites said Chapter as of the Acts of the *Regular Session*, which entirely defeats the object intended to be accomplished. For this reason I have deemed it advisable to return this Act for the further consideration of your honorable body.

W. M. STONE.

Senator Wharton moved a call of the House.

In pursuance thereof the roll was called, and the following members were found absent:

Senators Burdick, Cutler, Clark, Foote, Gue, Hurley, Hunt, Knoll, McCrary of Lee, Ross, Roberts and Young:

Senators Burdick, Gue and Young were excused.

On motion of Senator Parvin, the Sergeant-at-Arms was ordered to bring in the absentees.

Several Senators appearing, Senator Gray moved that further proceedings under the call be dispensed with.

The motion was lost.

Senator Shippen moved that Senator Roberts be excused.

The motion was lost.

On motion of Senator McCrary of Van Buren, further proceedings were dispensed with.

The Senate took up the communication of the Governor in reference to Senate File No. 222, A Bill for an Act to provide for the publication of an Act of this Tenth General Assembly, regulating the fees of District Attorneys.

The question being upon the passage of the Bill, the yeas and nays were called with the following result:

The yeas were, none.

The nays were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Cutlers, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flauth, Gray, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hillsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—39.

Absent without excuse—Senator Ross.

The Bill did not pass.

The Senate resumed the consideration of Joint Resolution correcting the account of the State with Grundy county.

Senator Woolson offered the following Joint Resolution as a substitute for the substitute reported by the Committee:

Resolved, By the General Assembly of the State of Iowa, That upon the presentation to the Auditor of satisfactory evidence of the total valuation of property in Grundy county liable to taxation in 1856 for State taxes, that then the said Auditor shall charge said county with the sum of one and a half mills on a dollar of such valuation as State taxes for that year, and after deducting that sum from the amount paid over into the State Treasury by Thos. G. Copp, as a State tax on the said county for 1856, the Auditor shall pass the balance over the sum so deducted to the credit of said county on the books of said Auditor.

By consent, Senator Moore from the Committee on Military Affairs submitted the following report:

The Committee on Military Affairs, to whom was referred Senate File No. 163: "A Bill for an Act to organize and discipline the militia," have had the same under consideration and have directed me to report the same back with the following amendments and recommend its passage.

MOORE.

Amend the eighth line, Section 7, by adding after the word Major "and such Staff officers as are necessary to conform as near as may be with the Volunteer Regiments in the United States service."

Adopted.

Amend Section 8, by striking out of the second and third lines the words "at the usual places of holding elections. The other meeting to be held," and adding the word "other" after the word "such" in the fifth line.

Lost.

Amend Section 9 by striking out the word "Governor," in the second line, and inserting "Quartermaster General, or acting Quartermaster General."

Adopted.

Amend Section 14 by striking out of the last line the words "Lieutenant of Infantry," and insert "Captain of Cavalry."

Adopted.

Amend Section 16 by adding the words "or file," after the word "record," in the second line. Adopted.

Amend Section 27 by adding after the word "Auditing Board," in the third line "or other proper officer." Adopted.

Leave of absence was granted to Senator Shippen.

Senator Cutts from Committee on Commerce, submitted the following report:

The Committee on Commerce to whom was referred Senate File No. 172, entitled: "A Bill for an Act supplemental and amendatory to Chapter 84 of the Acts of the regular session of the 9th General Assembly of the State of Iowa, being an Act to prevent fraud in warehousemen and others," have had the same under consideration, and recommend that the Bill be amended as follows: Strike out the words "absolute title to," in the tenth line of Section 1, and insert the words "prima facie evidence of," and as so amended the Committee recommend its passage.

The Committee on Commerce to whom was referred Senate File No. 102, entitled: A Bill for an Act to amend Section 1788 of the Revision of 1860, have had the same under consideration and report the same back with recommendation that bill be indefinitely postponed.

M. E. CUTTS, for Committee.

Senator Burdick from Judiciary Committee, submitted the following report:

MR. PRESIDENT:—The Judiciary Committee to whom was referred Senate File No. 186, A Bill for an Act to amend Chapter 187 of the laws passed at the regular session of the Ninth General Assembly, have had the same under consideration and have instructed me to suggest the following amendments:

1st—Strike out the words, "Issuing a subpoena in any case, 25."

2d—Add the following as Sections 2 and 3:

SEC. 2. When a person who is in the custody of an officer by color of legal authority, is brought before any County Judge on a writ of "Habeas Corpus," and is discharged from such custody, the fees provided by law shall be paid out of the County Treasury; and in case he is not discharged, the County Judge may enter a judgment against the plaintiff for costs and issue execution thereon, which said judgment shall have the same force and effect as a judgment rendered and execution issued by a Justice of the Peace.

SEC. 3. When an injunction is allowed by any County Judge or a motion made before him to dissolve the same, he may certify his fees to the District Court, and the same shall be regarded as a part of the ordinary costs in the case, and be collected in the same manner.

As thus amended, they recommend its passage.

M. V. BURDICK.

The Chair announced that he would be absent in the afternoon, to allow the election of a Speaker *pro tem.*

On motion of Senator Hatch the Senate adjourned.

AFTERNOON SESSION.

The President being absent the Senate was called to order by the Secretary.

Senator Hatch nominated Senator Hunt for President *pro tem.*

Senator Wharton nominated Senator Patterson.

Senator Gray nominated Senator Hesser.

The vote being taken, those voting for Senator Hunt were Senators Bassett, Brayton, Boardman, Bridges, Cutler, Cutts, Dixon, Foote, Flaugh, Gue, Hogin, Hurley, Hesser, Hatch, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Roberts, Saunders, Stubbs, Udell and Woolson—25.

Those voting for Senator Patterson were Senators Brown, Clarkson, Crookham, Clark, Hart, Hunt, Hilsinger, King, Merrill, Ross and Wharton—12.

Those voting for Senator Hesser were Senators Gray, Knoll and McJunkin—3.

Senator Hunt having received a majority of all the votes cast was declared elected.

On motion of Senator Parvin, Senators Patterson and Hesser were appointed to conduct the President *pro tem.* elect to the chair.

The President announced that the hour had arrived for the consideration of Special Order, Senate File No. 106: A Bill for an Act to provide for the purchase of the building used as a Capitol and the lots on which the same is situated and to secure the School Fund, and for other purposes.

On motion of Senator Hart, the bill was postponed until Friday, March 18th, at 10 o'clock A. M.

On motion of Senator Foote, Senate File No. 50 : A Bill for an Act providing for the taxation of the property of Railroad Corporations, was taken up and made the special order for Thursday, March 17th, at 2 o'clock P. M.

The Senate resumed the consideration of Joint Resolution to provide for correcting the account of the State with Grundy county.

The question being upon the adoption of the substitute offered by Senator Woolson, Senator Patterson demanded the yeas and nays, and the vote was taken, with the following result:

The yeas were, Senators Cutts, Foote, Flaugh, Gray, Hurley, Hillyer, Hatch, Knoll, McJunkin, Merrill, Parvin and Woolson—12.

The nays were, Senators Bassett, Brunson, Boardman, Cutler, Clarkson, Crookham, Clark, Gue, Hart, Hogin, Hesser, Hunt, Hilsinger, King, McCrary of Van Buren, Moore, McMillan, Patterson, Ross, Roberts, Saunders, Stubbs, Udell and Wharton—24.

Absent without excuse—Senators Brayton and Bridges.

The substitute was not adopted.

The substitute reported by the Committee being Senate File No. 233 : A Bill for an Act to provide for correcting the account of the State with Grundy county, was adopted.

The Bill was read a third time.

On the question "Shall the Bill pass?" the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Bridges, Cutler, Clarkson, Crookham, Clark, Flaugh, Gue, Hart, Hogin, Hesser, Hunt, Hilsinger, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Roberts, Saunders, Stubbs and Wharton—27.

The nays were, Senators Cutts, Foote, Gray, Hurley, Hillyer, Hatch, Knoll, Parvin, Ross, Udell, and Woolson —11.

Absent without excuse, Senator Brown.

Bill passed and title agreed to.

By consent, Senator Moore called up Senate File No. 168 : A Bill for an Act to organize and discipline the militia.

The first, third, fourth and fifth amendments reported by the committee were adopted.

Senator Ross moved to amend section 3 by inserting the word "of" before the word "the" in the third line. The amendment was adopted.

Senator Hunt moved to amend the section by striking out the word "set" in the same line and inserting the word "act." The amendment was adopted.

Senator Ross moved to strike out the word "now" in the first line of section 1. The amendment was adopted.

Senator Woolson moved to add to section 5 the following:

"Provided such companies shall execute such bond as is required by section 9 of this act."

The amendment was adopted.

Senator Ross moved to amend section 7, by striking out the word "constituted," and inserting the words "formed into."

The amendment was adopted.

Senator Moore moved to amend section 8 by striking out the words, "the usual places of holding elections," and inserting the words, "such place as the commander of the company may fix."

The amendment was adopted.

Senator Hillyer moved to strike out "one o'clock P. M." and insert "10 o'clock A. M."

The amendment was adopted.

On motion of Senator Woolson the word "other" was inserted after the word "such," in the fifth line of Section 8.

Senator Woolson moved to insert after the word "advantage," in the first line of Section 23, the words, "when directed by the Governor."

The amendment was adopted.

Senator Woolson moved that the words "Joint Resolution of the 9th General Assembly, approved April 8th, 1862," be added after the "Assembly," in the third line of Section 28.

The amendment was adopted.

Senator Ross moved to amend Section 26 by striking out of the first line the words "to increase," and inserting the words "as fixing," and by striking out of the second line the words "whose salary is now fixed by law."

The amendment was adopted.

Senator Flaugh moved to amend Sec. 13 by striking out of the 5th line the word "one" and inserting the word "two."

The amendment was not adopted.

The Bill was read a third time.

On the question "Shall the Bill pass?" the yeas and nays were called with the following result:

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Udell, Wharton and Woolson—36.

The nays were, Senators Gray and Knoll—2.

Absent without excuse, Senators Cutts and Roberts.

Bill passed and title agreed to.

By consent Senator Boardman, from Committee on Schools, submitted the following report:

The Committee on Schools and School Lands, to whom was referred Senate File No. 229, beg leave to report that they have had

said Bill under consideration, and report the same back, and recommend its passage, without amendment.

Respectfully submitted.

N. BOARDMAN, Chairman.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills have examined Senate File No. 95: "An Act to provide for the preliminary survey of a Ship Canal route from the State of Iowa eastward to the Illinois River."

Also, Senate File No. 64: An Act to amend Chapter 175, acts of the regular session of the 9th General Assembly."

Also, House File No. 148: An Act to make valid the proceedings of the corporate authorities of cities and towns; the acts of officers thereof, and the levy of taxes therein."

Also, House File No. 71: "An Act to amend Section 4145 and Section 4147 of the Revision of 1860."

Also, House File No. 67: "An act to amend Sections 3362 and 3363 of the Revision of 1860," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

On motion of Senator Gray the Senate adjourned.

SENATE CHAMBER,
Des Moines, March 15th, 1864.

The Senate convened at 9 o'clock, A. M.
Prayer was offered by the Rev. Mr. McCague.
Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator McMillan, asking for a law requiring voters to take the oath of allegiance.

Referred to the Committee on Elections.

By consent, the following Reports of Committees were submitted.

By Senator Udell, from the Committee on Military Affairs, the following report:

The Committee on Military Affairs have had under consideration House Resolution in reference to the 1st Iowa Cavalry, and have instructed me to report the same back and recommend its passage.

Also, House File No. 80: An Act providing for the auditing of the account of J. L. Mason, and instructed me to report the same back and recommend its indefinite postponement.

UDELL.

By Senator Parvin from Committee on Sanitary Affairs, the following report:

The Select Committee to whom was referred Senate File No. 224: "A Bill for an Act to amend Section 6, Chapter 36, of the laws of the extra session of the 9th General Assembly," have had the same under consideration, and have instructed me to report the following substitute for said bill, and recommend its passage.

J. A. PARVIN, Chairman.

By Senator Patterson, from Committee on Judiciary, the following report:

Your Committee on Judiciary to whom was referred Senate File No. 151: A Bill for an Act to provide for the better security and collection of debts due the State of Iowa, or for the use or benefit of the State, have had the same under consideration and have directed me to report the same back with the following substitute and recommend its passage.

By consent, Senator Young called up Senate File No. 210: A Bill for an Act relating to the offices of County Recorder and Treasurer, and providing for their separation.

Senator Hunt, by consent, offered the following Resolutions:

Resolved, by the Senate, That the Secretary of State be instructed to have placed upon the stoves in the Senate Chamber suitable vessels for holding water.

Resolved, That the fireman of the Senate be instructed to keep water in such vessels, when furnished.

The Resolutions were adopted.

Senator Ross moved to strike out of Senate File 210, all of the sixth section down to the words "and County Recorders," and substitute the following:

SECTION 6. Each County Treasurer shall receive for his services the following compensation:

First.—Four per cent. of all sums collected by him as taxes due any incorporated town or city in his county, to be paid out of said moneys.

Second.—Five per cent. of all taxes collected by him for all other tax funds to be paid out of the County Treasury.

Third.—All fees now allowed the Treasurer exclusive of his annual salary.

Fourth.—Such additional compensation as the Board of Supervisors of his county shall deem proper; *Provided*, That when the aggregate amount of his compensation received, as authorized by this section, shall exceed the sum of twelve hundred dollars, the excess shall be paid into the County Treasury for the use of the county and *provided* further, that the hire of all necessary deputies shall be paid for out of the County Treasury.

The Chair announced that the hour had arrived for the consideration of Senate File No. 177, A Bill for an Act to accept a conveyance of lands made to the State of Iowa for the benefit of her

grantees by the Cedar Rapids & Missouri River R. R. Co. to remit the forfeitures and penalties incurred by said Company, and to extend the time for building their road and for other purposes.

Senator Bassett offered a substitute for the Bill.

Pending the adoption of the substitute, on motion of Senator Young, the Special Order was postponed until Thursday, March 17th, at 10 o'clock A. M., and the substitute was ordered to be printed.

Senator Knoll moved that Senate File No. 210, under consideration of the Senate at the hour for Special Order, be made the Special Order for Friday, March 18th, at 2 P. M., and that the bill be printed.

Senator Stubbs moved to amend the motion by making the Bill the Special Order for April 4th.

On the adoption of this amendment Senator Knoll demanded the yeas and nays.

The yeas were, Senators Brayton, Boardman, Bridges, Flaugh, Hart, Hesser, McCrary of Lee, McCrary of Van Buren, Moore, Patterson, Parvin, and Stubbs—12.

The nays were, Senators Bassett, Brunson, Brown, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McMillan, Merrill, Ross, Saunders, Udell, Wharton, Woolson and Young—29.

Absent without excuse, Senator Roberts.

The amendment was not adopted.

The question now being upon Senator Knoll's motion, the motion was lost.

Received the following message from the House:

MR. PRESIDENT: — I am directed to inform your Honorable Body that the House has passed the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring,
That the per diem allowance of the officers of the General Assembly during the present session, shall be as follows, viz:

Secretary of the Senate,.....	\$6.00
Chief Clerk of the House,.....	6.00
Assistant Secretaries of the Senate and Assistant Clerks of	
the House, each,.....	5.00
Engrossing and Enrolling Clerks, each,.....	4.00
Sergeant-at-Arms, each,	4.00
Doorkeepers, each,.....	3.00
Fireman and Janitor, each,	3.00
Post Masters, each,.....	3.00
Carrying Mail,.....	2.00
Messengers, each,.....	2.50
Paper Folders, each,.....	2.50

In which the concurrence of the Senate is respectfully asked.

JACOB RICH,

Chief Clerk, House of Representatives.

Senator Cutts moved to amend the amendment of Mr. Ross by striking out the word "five" and inserting the word "three."

The amendment was adopted.

Senator Hesser moved to amend Senator Ross's amendment by inserting the word "two" instead of the word "four" per cent. for taxes collected for cities and towns.

The motion was adopted.

Upon the adoption of Mr. Ross's amendment

The yeas were, Senators Bassett, Brayton, Boardman, Brown, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hogin, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, McCrary of Lee, McCrary of Van Buren, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Udell, Wharton and Woolson—29.

The nays were, Senators Brunson, Bridges, Cutler, Clarkson, Flaugh, Hart, Hurley, King, Moore, Stubbs and Young—11.

Absent without excuse, Senator McJunkin.

The substitute was adopted.

Senator Udell offered the following amendment to the Bill:

"The present County Judge of the several counties shall, from and after the first day of May, 1864, perform the duties of Recorder and receive the fees as provided for in this act, until the Recorder be elected and qualified."

Senator Young offered the following as a substitute for Senator Udell's amendment:

"And shall continue to hold the office of Recorder until the 1st day of January, A. D. 1865, and until his successor in said office is elected and qualified."

The substitute was adopted.

Senator Woolson offered the following as a new section to the bill:

"Section 8. The County Treasurer shall enter in a book, to be by him kept for that purpose, all the fees of any kind by him received from all sources, including moneys received for all services, except the per cent. designating the service; and at the end of each quarter, he shall render an account, under oath, to the Clerk of the Board of Supervisors, of the amount of fees received, and shall make a like report whenever required by the Board of Supervisors; and the amount to be allowed to the said Treasurer as per centage as herein before provided, shall be annually determined by the Board of Supervisors of the county, and the total of all compensation shall, in no case, exceed the sum of twelve hundred dollars."

The amendment was adopted.

Senator Cutts offered the following amendment to section 6:

"Provided, That nothing in this act contained shall be so con-

strued as to in any means change or affect section 17, of Chapter 173, of the Laws of the Regular Session of the 9th General Assembly of Iowa, providing for the appointment of deputies to assist in collecting the delinquent taxes, and for their compensation."

The amendment was adopted.

Senator Woolson moved to amend the bill by inserting after the word "force," in seventh section, the words, "or that may be passed by the 10th General Assembly at its present session."

The amendment was adopted.

Senator Young moved that the bill be engrossed and read a third time to-morrow.

On this question the yeas and nays were demanded.

The yeas were, Senators Brunson, Brayton, Brown, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hillyer, Hilsinger, Knoll, King, McMillan, Ross, Saunders, Wharton, Woolson and Young—20.

The nays were, Senators Bassett, Boardman, Bridges, Clarkson, Flaugh, Gray, Hart, Hogin, Hurley, Hesser, Hunt, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Stubbs, and Udell—19.

Absent without excuse, Senator Hatch.

The motion was adopted.

On motion of Senator Hilsinger, the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock, P. M.

By consent, Senator Udell called up House Resolution regulating the per diem of officers of the 10th General Assembly.

Senator Udell moved that the resolution be referred to Committee on Ways and Means.

The motion was lost.

Senator Stubbs moved to amend the resolution by striking out \$3.00, as pay for door-keeper, and inserting \$4.00.

On this question the yeas and nays were demanded.

The yeas were, Senators Brayton, Boardman, Brown, Bridges, Clark, Dixon, Gray, Gue, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Patterson, Saunders, Stubbs, Udell and Young—24.

The nays were, Senators Bassett, Cutler, Crookham, Cutts, Foote, Flaugh, Hart, Hesser, Knoll, McMillan, Parvin, Ross, Roberts, Wharton and Woolson—15.

Absent without excuse—Senators Brunson, Clarkson, and Merrill.

The amendment was adopted.

Senator Dixon moved to amend by inserting \$3.00, instead of \$2.50, as pay for messengers.

On this question the yeas and nays were demanded, and the vote was taken, with the following result:

The yeas were, Senators Brayton, Boardman, Bridges, Clark, Dixon, Gray, Hogin, Hurley, Hunt, Hatch, King, McJunkin, Patterson, Roberts and Udell—15.

The nays were, Senators Bassett, Brown, Cutler, Crookham, Cutts, Foote, Flaugh, Gue, Hart, Hillyer, Hesser, Hilsinger, Knoll, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Saunders, Stubbs, Wharton, Woolson and Young—24.

Absent without excuse—Senators Brunson, Clarkson and Ross.
The amendment was not adopted.

Senator Gray moved to amend the resolution by striking out “\$3” and inserting “\$4” as the per diem of the Firemen.

The amendment was adopted.

On motion of Senator Gray the resolution was laid upon the table.

Leave was granted to Senator McCrary, of Van Buren, to withdraw the claims of Scott & Toby against the State, growing out of the Des Moines River Improvement.

Leave was also granted to Senator Hunt to withdraw the claim of Col. Samuel Merrill.

REPORTS OF COMMITTEES ON FILE.

Senate File No. 79 : A Bill for an Act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting, was taken up.

The question being upon the recommendation of the Committee that the Bill be indefinitely postponed,

The yeas were, Senators Bassett, Brunson, Bridges, Clarkson, Cutts, Hillyer, Knoll, King, McCrary, of Van Buren, Moore, Patterson, Stubbs, Udell, Wharton and Woolson—15.

The nays were, Senator Brayton, Boardman, Brown, Cutler, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, McJunkin, McCrary, of Lee, McMillan, Merrill, Parvin, Roberts, Saunders, and Young—26.

Absent without excuse, Senator Ross.

The Bill was not indefinitely postponed.

On motion of Senator Roberts the bill was referred to a Special Committee of three, of which Senator Brayton is chairman.

The Chair added to the committee Senators Roberts and McJunkin.

By consent, Senator McJunkin called up Senate File No. 196 : A Bill for an Act to amend section 89 of chapter 172 of the acts of the 9th General Assembly, and to authorize independent school

districts to levy a tax of not to exceed 10 mills on the dollar in any one year on the taxable property of such district.

Senator McJunkin moved to amend the bill by adding the following:

Section 2. In all independent school districts not included in an incorporated city, the Board of Directors shall consist only of a President, Secretary and Treasurer.

Senator Cutts moved to amend the amendment by adding after the word "city" the word "town." The amendment was not adopted.

The question now being upon the adoption of Senator McJunkin's amendment, the amendment was not adopted.

The bill was read a third time, and on the question "Shall the bill pass?" the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Udell, Wharton, Woolson and Young—38.

The nays were, Senators Cutler and Gray—2.

Absent without excuse, Senators Clarkson and Flaugh.

Bill passed and title agreed to.

Senate File No: 111 : A Bill for an Act to amend section 777 of the Revision of 1860, was taken up.

The question being upon the indefinite postponement of the bill the motion was lost.

Senator Woolson moved to amend by striking out all of the bill relating to fees. The amendment was adopted.

Senator Patterson offered the following amendment to the bill: Add to section 1. "And if he neglect to file such duplicate receipt with the clerk before the redemption, such tax shall not be a lien upon the land, and the person paying such tax shall not be entitled to recover the same of the owner of such real estate." The amendment was adopted.

The bill was read a third time.

On the question of the passage of the bill the yeas and nays were called for, with the following result:

The yeas were, Senators Brunson, Brayton, Boardman, Bridges, Cutler, Crookham, Cutts, Dixon, Foote, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Wharton and Woolson—28.

The nays were, Senators Bassett, Brown, Clarkson, Gray, Hilsinger, Knoll, Parvin, Saunders, Stubbs, Udell and Young—11.

Absent without excuse, Senators Clark and Hesser.

Bill passed and title agreed to.

House File No. 61 : A Bill for an Act for procuring statistical information with regard to the destruction of sheep, was taken up and indefinitely postponed.

House File No. 33 : A Bill for an Act to prevent fraud by weigh-masters of public scales, was taken up and read a third time.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, and Wharton—37.

The nays were, Senators Gray, Udell, Woolson, and Young—4. Absent without excuse, Senator Hesser.

Bill passed and title agreed to.

Senate File No. 120 : A Bill for an Act to exempt farming lands situated within the limits of cities and incorporated towns from taxation for ordinary city or town purposes, was taken up. The amendment recommended by the Committee to fill the blank in fourth line of Section 1 with the word "ten," was adopted.

Senator Woolson offered as an amendment to the Bill the following:

Sec. 10. Section 8 of Chapter 25 of the Acts of the Extra Session of the 9th General Assembly, approved September 11th, 1862, is hereby repealed; and any city or incorporated town, acting under special charters, may, by the unanimous vote of its Council or Board of Trustees, adopt any part of the provisions embraced in Chapter 51 of the Revision of 1860 by resolution to be entered at large on their minutes of proceedings, embracing the provisions so adopted, and thereupon the provisions so adopted shall be a part of the charter of such city or town. The amendment was adopted.

The Bill was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Brunson, Crookham, Foote, Gray, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, McJunkin, McCrary of Lee, McMillan, Ross, Wharton, Woolson, and Young—19.

The nays were, Senators Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Flaugh, Gue, Hart, Knoll, King, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Saunders, Stubbs, and Udell—19.

Absent without excuse, Senators Brayton, Cutts, Dixon, and Roberts.

The Bill did not pass.

Senate File No. 125 : A Bill for an Act authorizing municipal

authorities to provide for repairs of streets, alleys, side-walks, &c., was taken up and read a third time.

The question being upon the passage of the Bill,

The yeas were, Senators Bassett, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Udell, Wharton and Young—40.

The nays were, none.

Absent without excuse—Senators Brayton and Roberts.

Bill passed and title agreed to.

House substitute for House File Nos. 48 and 49: A Bill for an Act authorizing the sale or exchange of specie now in the State Treasury for legal tender notes of the United States, was taken up, and the Bill was read a third time.

Senator Stubbs moved a call of the Senate, and in pursuance thereof the roll was called, and those found absent were Senators Clarkson and McJunkin.

Senator Clarkson appearing, Senator Merrill moved that further proceedings under the call be dispensed with.

The motion was lost.

The Sergeant-at-Arms was sent for Senator McJunkin.

The Senator appearing, on motion of Senator Wharton further proceedings under the call were dispensed with.

The question now being upon the passage of the Bill,

The yeas were, Senators Brunson, Brayton, Boardman, Bridges, Clarkson, Crookham, Clark, Cutts, Gue, Hart, Hesser, Hatch, King, McCrary, of Lee, McCrary, of Van Buren, Moore, McMillan, Patterson, Parvin, Saunders, Stubbs, and Young—22.

The nays were, Senators Bassett, Brown, Cutler, Dixon, Foote, Flaugh, Gray, Hogin, Hurley, Hillyer, Hunt, Hilsinger, Knoll, McJunkin, Merrill, Ross, Udell, Wharton, and Woolson—19.

There not being a constitutional majority in favor of the bill, the bill did not pass.

On motion of Senator Dixon, the Senate adjourned.

SENATE CHAMBER, }
Des Moines, Iowa, March 16th, 1864. }

The Senate convened at 9 o'clock A. M.

The President in the Chair.

Prayer was offered by the Rev. Mr. McCague.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Udell: Memorial of members of the "Keokuk Medical Society," asking for legislation regulating fees for the professional opinions of physicians given in court.

Referred to Special Committee consisting of Senators Udell, McCrary, of Lee, and Saunders.

By Senator Hunt: In reference to repeal of "Prohibitory Liquor Law," and the passage of a license law.

Laid on the table.

By Senator Saunders: The claim of A. C. Fulton for \$988.00, as damages done to property by Iowa soldiers.

Referred to Committee on Military Affairs.

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills have examined House File No. 129: "An Act fixing the times of holding court in the 4th Judicial District, and attaching certain counties, in said district, to others, for judicial purposes."

Also, House File No. 90: "An Act to abolish the Board of Education of the State of Iowa; to provide for the election of a Superintendent of Public Instruction, prescribing his duties, and for other purposes connected therewith."

Also, House File No. 17: "An Act for the relief of Catharine Morris, sister of Edward Morris, deceased," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

REPORTS OF COMMITTEES ON FILE.

Senate File No. 88: A Bill for an Act laying out private roads, was taken up, the first, second, third and fourth amendments recommended by the committee, were adopted.

Senators Roberts moved to amend the report of the Committee, by recommending that section 8 of the bill be stricken out.

Senator Brown moved that the bill be indefinitely postponed.

On this question the yeas and nays were demanded, and the vote was taken, with the following result:

The yeas were, Senators Brown, Hart, King—3.

The nays were, Senators Bassett, Brunson, Brayton, Boardman, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Udell, Wharton, Woolson and Young —39.

Senator Bridges excused.

The motion was lost.

The Chair announced that the hour had arrived for the consideration of special order Senate File No. 212½, substitute for Senate File Nos. 71 and 132: A Bill to provide for the relief of the families of soldiers, and further compensation thereby to such soldiers for their services.

Senator Stubbs moved to amend Section 1 of the Bill by adding the following:

Provided further, That the families of soldiers who are entitled to receive from the United States bounties of more than one hundred dollars, shall not be allowed the benefits of the provisions of this act.

On motion of Senator Young the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

The Senate resumed the consideration of Senate File No. 212½, under consideration of the Senate at its adjournment.

Senators Udell and Roberts were excused.

The question being upon the adoption of Senator Stubbs' amendment the yeas and nays were demanded, and the vote was taken with the following result:

The yeas were, Senators Brayton, Crookham, Cutts, Gue, Hurley, Hesser, Hatch, Knoll, King, McJunkin, McMillan, Ross and Stubbs—12.

The nays were, Senators Bassett, Burdick, Brunson, Boardman, Bridges, Cutler, Clarkson, Clark, Flaugh, Gray, Henderson, Hogin, Hillyer, Hunt, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, Patterson, Parvin, Saunders, Wharton and Young—24.

Absent without excuse, Senators Brown, Foote and Merrill.

The amendment was not adopted.

Senator Saunders moved to amend the Bill by striking out of the fourth line in Section 1, the word "three," and inserting the word "five," and in the fifth line the word "two" and inserting the word "three."

The question being upon the adoption of the amendment, the yeas and nays were called with the following result:

The yeas were, Senators Burdick, Brunson, Bridges, Clark, Hogin, Hillyer, Hatch, McJunkin, Patterson, Saunders and Wharton—11.

The nays were, Senators Bassett, Brayton, Brown, Cutler, Clarkson, Crookham, Cutts, Foote, Flaugh, Gray, Gue, Henderson, Hurley, Hesser, Hunt, Hilsinger, Knoll, King, McCrary of Lee, McCrary, of Van Buren, Moore, McMillan, Parvin, Ross, Stubbs, Woolson and Young—27.

Absent and not excused—Senators Boardman, and Hart.

The amendment was not adopted.

Senator Wharton moved to amend the Bill by striking out the word "three" in the 4th line of Section 1, and inserting the word "four."

The amendment was not adopted.

Senators Patterson moved to amend the Bill by striking out in Section 1 all after the words "sum of" in the 5th line, and inserting the words, "four dollars per month from the 1st day of April, 1864," and by striking out the word "ten" in the 11th line, and inserting the word "fourteen."

The amendment was not adopted.

Senator Hillyer moved to amend Section 1, by inserting after the word "dollar" in the 14th line the words "and fifty cents."

The amendment was not adopted.

Senator Clarkson moved to amend Section 3 by striking out in the first line the words "further" and "Judge," and inserting for the word "Judge" the words "Board of Supervisors."

The amendment was not adopted.

Senator Parvin moved to amend the Bill by striking out of Section 4, in the 2d line, the words "County Board of Supervisors," and inserting the words "Auditor of State."

On the adoption of this amendment, the yeas and nays were demanded, and the vote was taken with the following result:

The yeas were, Senators Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutts, Gray, Henderson, Hogin, Hesser, Hunt, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Merrill, Patterson, Parvin, Saunders, Wharton and Woolson—22.

The nays were, Senators Bassett, Cutler, Clarkson, Crookham, Clark, Foote, Flaugh, Gue, Hart, Hurley, Hillyer, Hatch, Hilsinger, Knoll, Moore, McMillan, Ross, Roberts, and Stubbs—19.

Absent without excuse—Senator Young.

The amendment was adopted.

Senator Stubbs moved that the motion by which the amendment was adopted, be reconsidered.

The motion was lost.

Senator Parvin moved to strike out of 3d line of Section 4, the words "said Board of Supervisors," and insert the words "State Census Board."

The amendment was adopted.

Senator Ross moved that the Bill be indefinitely postponed.

On this motion the yeas and nays were demanded and the vote was taken with the following result:

The yeas were, Senators Bassett, Clarkson, Cutts, Foote, Flaugh, Gray, Gue, Henderson, Hurley, Hillyer, Hilsinger, Knoll and Ross—13.

The nays were, Senators Burdick, Brunson, Brayton, Boardman, Bridges, Cutler, Crookham, Clark, Hart, Hogin, Hesser, Hunt,

Hatch, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Roberts, Saunders, Stubbs, Wharton, Woolson and Young—28.

The motion was lost.

Senator Stubbs moved that the bill be referred to a Special Committee, consisting of Senators Hunt, Woolson and Parvin, with instructions that they so amend the bill that it conform to the State and county tax law, and that the bill be allowed to retain its place on the files as a special order. The motion was adopted.

Special order Senate File No. 176: A Bill for an Act supplemental to chapter 99 of the laws of the 7th General Assembly, approved March 22d, 1858, and relating to the Des Moines river land grant, and for the payment of certain audited claims, was taken up.

On motion of Senator Cutts the bill was postponed fifteen minutes.

Senator Cutts moved to reconsider the vote by which the Senate failed to pass House substitute for House File Nos. 48 and 49: A Bill for an Act authorizing the sale or exchange of specie now in the State Treasury for legal tender notes of the United States.

Senator Woolson rose to a point of order, and maintained that the Senate, having once reconsidered the vote by which the bill failed to pass, and having a second time refused to pass the bill, that a second motion to reconsider was out of order, no alteration having been made in said bill.

Senator Woolson moved to postpone the further consideration of the subject until after the reading of the journal to-morrow morning. The motion was lost.

The Chair announced that the time had arrived for consideration of special order Senate File No. 176.

On motion of Senator McCrary of Lee, the special order was postponed till to-morrow at 9½ o'clock A. M.

Senator Young moved that the Senate adjourn. The motion was lost.

After further consideration of the point of order raised by Senator Woolson, on motion of Senator Gray the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 17th, 1864.

Senate convened at 9 o'clock A. M.—the President in the chair. Prayer was offered by the Rev. Dr. Peet.

Journal of yesterday read and approved.

The Chair decided that the point of order raised by Senator

Woolson, under consideration of the Senate yesterday at its adjournment, was well taken.

The Chair announced that the hour had arrived for consideration of Special Order—Senate File No. 176: A Bill for an Act supplemental to Chapter 99 of the Laws of the 7th General Assembly, approved March 22d, 1858, and relating to the Des Moines River Land Grant and for the payment of certain audited claims.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following Bills:

House File No. 156: A Bill for an Act to change the names of counties.

Also, House File No. 125: A Bill for an Act defining the duties of County Surveyors.

Also, House File No. 145: A Bill for an Act to provide for the compilation and publication of the Road Laws and the distribution of the same.

Also, substitute for Senate File No. 37: A Bill for an Act fixing the per diem of Road Supervisors, per diem of labor on roads, and poll tax.

Also, Senate File No. 196: A Bill for an Act to amend Section 89 of Chapter 172 of the Acts of the Ninth General Assembly and to authorize independent school districts to levy a tax not to exceed ten mills on the dollar on the taxable property of such districts, without amendment.

The House has concurred in the Senate amendments to substitute for House File No. 6: A Bill for an Act empowering counties to offer additional bounties on scalps of wild animals; and that the House has concurred in the Senate resolution relating to S. T. Pierce of Lee county for services in Company A of the Southern Border Brigade.

JACOB RICH, Chief Clerk.

On motion of Senator Stubbs the special order was postponed until to-morrow at 9½ o'clock, A. M.

On motion of Senator Wharton Senator Woolson, from Special Committee on special order Senate File No. 212½: A Bill for an Act to provide for the relief of the families of Iowa soldiers, and further compensation to such soldiers for their services, submitted the following report:

The Special Committee to whom substitute for Senate File Nos. 71 and 132 was referred have duly considered the same, and have made sundry amendments thereto, as shown by the accompanying draft, and as thus amended recommend its passage.

T. W. WOOLSON,
J. A. PARVIN,
B. T. HUNT.

The amendments recommended by the Committee were as follows:

1st. Add to Section 1 the words "beneficiary is listed as herein-after provided."

2d. Insert in 3d line of Section 3, after the words "name of," the words "family of."

3d. Strike out, in Section 3, all after the words "person who may," to the 14th line, and insert "from any cause have ceased to be entitled to the benefits of the provisions of this Act, which revision and correction shall be made as often as necessary and statedly every."

4th. Strike out Section 4, and insert therefor the following:

Section 4. Each County Judge shall, on or before the first day of June in each year so long as the present war continues, certify to the Auditor a duplicate of the last corrected list in his office, which shall be footed up so as to show the aggregate due thereon monthly by this act; and the Auditor shall lay all such lists before the census board when determining the rate of State tax under section 743 of the Revision of 1860; and such board shall add to the amount now authorized to be levied a rate per cent. sufficient to raise the total amount of such lists, together with a proper margin for uncollectable tax; and shall notify the clerks of the several Boards of Supervisors of the total rate to be so levied, which shall for all purposes, be a State tax, and shall be levied, collected and paid over as State revenue is now levied, collected and paid over, except as herein provided; if no list shall be received from a particular county, the census board shall estimate the probable amount the county would return, and shall proceed therewith the same as if received from the County Judge; and the Auditor shall notify each County Judge of the amount which such county is entitled to draw in one quarter under this act; and if any County Judge shall issue his warrants for more than the sum so fixed by the notice from the Auditor, he shall be liable on his official bond for double the amount so overdrawn.

5th. Strike out the word "county" in the third line of section 5 and insert the word "State."

6th. Strike out all of the fifth line to the word "provided" and insert the words "not exceeding in the aggregate the total shown by the notice of the Auditor the county is entitled to draw per quarter."

7th. Insert after the word "county" in the second line of section 6 the words, "and notice thereof given to the County Treasurer, as in case of county warrants."

8th. Strike out all of section 6 after the word "shall," in the fourth line, and insert the words, "be received from the County Treasurers by the State Treasurer the same as money collected on the State revenue."

9th. Strike out of first line of section 7, the words, "and stamps."

10th. Insert after the word "supervisors," in the second line

of section 7, the words, "and also when required by said Board."

The first, second and third amendments recommended by the committee, were adopted.

On motion of Senator Hilsinger, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

The Senate resumed the consideration of Senate File No. 212.

The question being upon the adoption of the 4th amendment recommended by the committee,

The yeas were, Senators Brunson, Brayton, Boardman, Bridges, Cutts, Dixon, Hart, Hogin, Hesser, Hunt, King, McJunkin, McCrary of Lee, Patterson, Parvin, Saunders, and Woolson—17.

The nays were, Senators Bassett, Burdick, Brown, Cutler, Clarkson, Crookham, Clark, Gray, Gue, Hurley, Hillyer, Hatch, Hilsinger, Knoll, McCrary, of Van Buren, Moore, McMillan, Ross, Roberts, Stubbs, and Woolson—22.

Absent without excuse, Senators Foote and Merrill.

The amendment was not adopted.

Senator Patterson moved that the bill be indefinitely postponed.

On this question

The yeas were, Senators Bassett, Brunson, Cutler, Knoll, Patterson, Udell and Woolson—7.

The nays were, Senators Burdick, Brayton, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Flanagh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Roberts, Saunders, Stubbs and Wharton—32.

Absent without excuse, Senators Boardman, Foote and Merrill.

The motion was lost.

The 7th and 10th amendments recommended by the Committee were adopted.

Senator Hunt moved to amend Section 1 by adding after the word "service," in the 8th line, the following: "or to any widow who has a son or sons in the service upon whom she is dependent for support."

The amendment was adopted.

Senator Burdick moved to amend Section 4 by adding to the Section the following: "set apart as a fund for the payment of the warrants herein provided for, and shall not be paid on any other warrants whatever."

The amendment was adopted.

Senator Stubbs moved to amend Section 1 by inserting after the word "September," in the 17th line, the letters and figures "A. D. 1864."

The motion was adopted.

On motion of Senator Wharton the substitute for the original Bill was adopted.

Senator McJunkin moved that the Bill be referred to a Special Committee, with instructions to report a Bill for the relief of necessitous families of soldiers and take into consideration the propriety of exempting the property of soldiers from the tax levied to meet the charge of the same; and upon this motion

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Cutler, Foote, Flauth, Gue, Henderson, Hurley, Hesser, Hilsinger, Knoll, McJunkin, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Udell and Woolson—22.

The nays were, Senators Burdick, Brown, Bridges, Clarkson, Crookham, Clark, Hart, Hogin, Hillyer, Hunt, Hatch, King, McCrary of Lee, McCrary of Van Buren, Parvin, Saunders and Wharton—17.

Absent without excuse, Senators Cutts, Dixon, Gray, and Stubbs.
The motion was adopted.

The Chair appointed upon the Committee Senators McJunkin, Moore, Patterson, Cutler and Gue.

Special Order—substitute for Senate File Nos. 176 and 179: A Bill for an Act supplemental to Chapter 99 of the Laws of the 7th General Assembly approved March 22d, 1858, and relating to the Des Moines River Land Grant, and for the payment of certain audited claims—was next taken up.

Senator Clarkson offered the following amendment to Section 1: add after “1862,” in the third line, the words “situated above township 90, north.”

The amendment was adopted.

On motion of Senator McCrary of Lee, the Bill was postponed until to-morrow at 9½ o'clock, A. M., and made the special order for that hour.

By consent, Senator Foote, from the Committee on Ways and Means submitted the following Resolution:

Resolved, That the per diem allowance of the Senate during the present session be as follows:

Secretary of the Senate,	\$6.00
Assistant Secretaries, each,	5.00
Enrolling and Engrossing Clerks, Sergeant-at-Arms, Door	

Keeper and Firemen, each,	4.00
-------------------------------------	------

Messengers, each,	3.00
Paper Folders, each,	2.50

Senator Clarkson moved to strike out \$4 and insert \$3, as pay for Sergeant-at-Arms, Doorkeeper and Fireman.

Senator Clark called for a division of the question, and the question being upon the pay for Sergeant-at-Arms, Senator Clarkson demanded the yeas and nays:

The yeas were, Senators Brunson, Clarkson, Cutts, Hart, Henderson, King, McMillan, Merrill, Parvin and Ross—10.

The nays were, Bassett, Burdick, Brayton, Boardman, Bridges, Crookham, Clark, Foote, Gray, Gue, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hillsinger, Knoll, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Patterson, Saunders, Stubbs, Udell and Wharton—27.

Absent without excuse—Senators Brown, Cutler, Flauth, Roberts and Woolson.

The amendment was not adopted.

Senator Clarkson withdrew so much of his motion as had not been put to vote.

The question being upon the adoption of the resolution, Senator Parvin demanded the yeas and nays:

The yeas were, Senators Bassett, Burdick, Brayton, Boardman, Bridges, Cutler, Crookham, Clark, Foote, Gray, Gue, Henderson, Hogin, Hurley, Hunt, Hatch, Hillsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Saunders, Stubbs, Udell and Wharton—24.

The nays were, Senators Brunson, Clarkson, Cutts, Hart, Hillyer, Hesser, Knoll, King, Moore, McMillan, Merrill, Patterson, Parvin, Ross and Roberts—15.

Absent without excuse, Senators Brown, Flauth and Woolson.

The Resolution was adopted.

By consent, Senator McJunkin, from Committee on Incorporations, submitted the following report.

Your Committee on Incorporation to whom was referred Senate File No. 119, entitled: A Bill for an Act authorizing municipal authorities to discriminate in favor of farming lands within corporate limits in imposing taxes for city and town purposes, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

By consent Senator Henderson introduced Senate File No. 233: A Bill for an Act to provide for the appointment of Judges of the District Court in certain cases.

The Bill was read a first and second time and referred to Judiciary Committee.

On motion of Senator Henderson the Senate adjourned.

SENATE CHAMBER, }
Des Moines, Iowa, March 18th, 1864. }

The Senate convened at 9 o'clock A. M. President in the Chair.

Prayer was offered by the Rev. Mr. Peet.
Journal of yesterday read and approved.
By consent, the following reports of Committees were submitted.
By Senator Udell:

REPORT.

To the Senate :

The Special Committee to whom was referred the memorial of Dr. D. L. McGugin and others, members of the "Keokuk Medical Society," would respectfully report, that after having given due deliberation to the subject matter therein contained, they feel constrained to recommend that no further action shall be instituted at the present session, on account of the short period of time until final adjournment, and the press of antecedent matter before the General Assembly.

The Committee desire to add that they are fully impressed with the belief that some legislation is advisable, having in view the intention to remedy the injustice of calling professional men, and especially those engaged in the practice of Medicine, from their legitimate sphere of duty, by compulsory process, without proper remuneration. If the services of men of learning are required, in Courts, or elsewhere, as experts, they should at least receive adequate compensation both for time spent and professional information rendered.

All of which is respectfully submitted.

N. UDELL,
GEO. W. McCRARY.
TH. J. SAUNDERS.

By Senator Hilsinger:

The Committee on Claims to whom was referred Senate File No. 219: A Bill for an Act for the relief of Myron Collins and others, having fully examined the same and all the matters connected therewith, have instructed me to report the same back without amendment and recommend its passage.

By Senator Parvin:

The Committee on Enrolled Bills did, on the 18th inst., present to His Excellency the Governor, for his signature, Senate File Nos. 64 and 95.

They have examined Senate File No. 196: "An Act to amend Section 89 of Chapter 172 of the Acts of the Ninth General Assembly, and to authorize independent School Districts to levy a tax not to exceed ten mills on the dollar on the taxable property of such district." Also, Joint Resolution relating to S. T. Pierce. Also, House File No. 33, "An Act to prevent fraud by Weighmasters of Public Scales." Also, House File No. 22, "An Act making a further appropriation for the Asylum for the Blind." Also, House File No. 21, "An Act to provide for the education and support of the Blind, and Deaf and Dumb, and to repeal Chapter 152

of the Acts of the Ninth General Assembly," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

By Senator Stubbs:

The Special Committee on the Burlington & Missouri River R. R. to whom was referred Senate File Nos. 147 and 188, have had the same under consideration and a majority of said Committee have instructed me to report said bills back with the recommendation that the same be indefinitely postponed.

And a majority of said committee have further instructed me to report that they claim the right hereafter to report a substitute for said bills, if, in their judgment, they shall see fit to do so.

Which is respectfully submitted.

Senator Ross submitted a minority report.

By Senator Gue:

The Committee on Agriculture to whom was referred Senate File No. 191, have had the same under consideration and have directed me to report the following substitute and unanimously recommend its passage.

The Committee on Printing to whom was referred Senate File No. 146: A Bill for an Act fixing the fiscal term for State institutions, when reports shall be made, and their distribution, have had the same under consideration and have directed me to report it back to the Senate and recommend its passage.

We have also had under consideration Senate File No. 208: A Bill for an Act to provide for the publication of the General Laws of the Tenth General Assembly in certain German newspapers. A majority of the committee would recommend its passage.

B. F. GUE,
Chairman Committee on Printing.

The Chair announced that the hour had arrived for the consideration of Special Order, substitute for Senate File No. 176: A Bill for an Act supplemental to Chapter 99 of the Laws of the Seventh General Assembly, approved March 22d, 1858, and relating to the Des Moines River Land Grant, and for the payment of certain audited claims.

The bill was taken up.

Senator Clarkson offered the following amendment:

Strike out all after the word "same," in the sixth line to the end of the sentence, in the seventh line, and insert the words, "shall be relinquished to the United States upon the conditions hereinafter mentioned."

The amendment was adopted.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following bills:

Senate File No. 89: "A Bill for an Act to prohibit the circulation of foreign bank notes in this State," without amendment.

And return Senate File No. 63: "A Bill for an Act supplemental to the act of the Ninth General Assembly, entitled 'An Act for the better protection of the School Fund,'" having stricken out the enacting clause.

And has passed House File No. 152: "A Bill for an Act to enable incorporated towns and cities to hold, improve and dispose of lands for public squares, parks, commons and cemeteries."

Also, substitute for Senate File No. 131: "A Bill for an Act to provide for the sale of the Swamp Lands in the several counties of this State," and have amended section 4 by striking out of the last line the words "seventy-five," and inserting the words "one dollar."

In all of which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

Senator Clarkson offered the following amendment:

Strike out of 14th line of Section 1 the words "and require," and insert the words "in his discretion."

The amendment was adopted.

Senator Clarkson offered the following amendment:

In the 11th line of Section 1, after the word "writing," and insert the words "and certified to by said Register of the Land Office at Fort Dodge."

The amendment was adopted.

Senator Clarkson offered the following amendment to Section 1:

In the 9th line, after the word "lands," insert the words "and after giving all contesting parties ten days' notice of the time and place."

Adopted.

Senator Clarkson offered the following amendment to Section 1:

In 28d line strike out all after the word "parties," and insert the words "legally entitled thereto."

Adopted.

Senator Clarkson offered the following amendment to Section 1:

In the 20th line strike out the word "revert," and insert the word "belong," and all the line after the word "held," and insert the words "disposed of by."

Adopted.

Senator Clarkson offered the following amendment to Section 1:

In the 15th line, after the word "lands," insert the words "to the United States."

Adopted.

Senator Clarkson offered the following amendment to Section 3:

Strike out the words "Angus McBane, of Fort Dodge, and D. W. Kilbourne, of Keokuk," and insert the words "J. B. Powers, of Cedar Falls, and J. R. Needham, of Oskaloosa."

Senator Dixon called for a division of the question, and the question being shall the words "Angus McBane, of Fort Dodge," be

stricken out, and the words "J. B. Powers, of Cedar Falls," inserted,

The yeas were, Senators Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Cutts, Dixon, Flaugh, Hart, Henderson, Hogiu, Hurley, Hunt, McJunkin, McMillan, Patterson, Ross, Wharton and Young—20.

The nays were, Senators Bassett, Burdick, Cutler, Clark, Foote, Gray, Gue, Hillyer, Hesser, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Parvin, Roberts, Saunders, Stubbs and Woolson—22.

Absent without excuse—Senators Brunson and Udell.

The amendment was not adopted.

The question now being shall the words "D. W. Kilbourne, of Keokuk, be stricken out, and the words "J. R. Needham, of Oskaloosa," be inserted?

The yeas were, Senators Burdick, Brayton, Boardman, Brown, Bridges, Clarkson, Crookham, Clark, Cutts, Flaugh, Gray, Hart, Hogin, Hillyer, Knoll, McJunkin, McMillan, Patterson, Ross, Stubbs, Wharton and Young—22.

The nays were, Senators Bassett, Cutler, Dixon, Foote, Gue, Henderson, Hurley, Hesser, Hunt, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Parvin, Roberts, Saunders and Woolson—20.

Absent without excuse—Senator Udell.

The amendment was adopted.

Senator Burdick moved to reconsider the vote by which the Senate refused to substitute the name of "J. B. Powers for that of Angus McBane.

Upon this motion

The yeas were, Senators Burdick, Brayton, Boardman, Bridges, Clarkson, Crookham, Cutts, Dixon, Flaugh, Hart, Hogin, Hurley, Hillyer, Hunt, McJunkin, Patterson, Ross and Wharton—18.

The nays were, Senators Bassett, Brown, Cutler, Clark, Foote, Gray, Gue, Henderson, Hesser, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Roberts, Saunders, Stubbs, Woolson and Young—24.

Absent without excuse—Senator Udell.

The motion was lost.

Senator Henderson offered the following amendment to Section 3: strike out of first line "and" between the words "Fort Dodge" and "D. W. Kilbourne," and insert after the word "Keokuk" the words "and Charles Pomeroy of Boone County." The amendment was not adopted.

Senator Clarkson offered the following amendment to Section 3: strike out of the fourth line the words, "after filing said official oath and—." Also strike out of 5th line the words "the lands." The amendments were not adopted.

Senator Stubbs moved to strike out of the third line of Section 4 the word "seventy" and insert the words "one hundred and

twenty." Pending this amendment, on motion of Senator Ross, the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock P. M.

Senator Boardman was excused.

By consent, Senator Burdick submitted the following report:

To the Senate:—The Committee on Public Lands, to whom was referred Senate File No. 223: A Bill for an Act to amend Section 927 of the Revision of 1860, have instructed me to report a substitute and recommend its passage.

The Senate resumed the consideration of substitute for Senate File No. 176, under consideration of the Senate at its adjournment. The question being upon the adoption of Senator Stubbs' amendment,

The yeas were, Senators Brayton, Brown, Bridges, Clarkson, Crookham, Cutts, Clark, Flaugh, Hogin, Hurley, Hillyer, Hilsinger, McJunkin, McMillan, Parvin, Ross, Stubbs, Wharton, and Young—19.

The nays were, Senators Bassett, Burdick, Brunson, Cutler, Dixon, Foote, Gue, Hart, Henderson, Hesser, Hunt, Hatch, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Roberts, Saunders, and Woolson—22.

Absent without excuse, Senator Gray.

The amendment was not adopted.

Senator Henderson offered the following amendment to the Bill:

SEC. 5. The Commissioners hereinbefore named shall set apart from the indemnity lands, so called, 58,830 acres, one-third from each class or grade, to be used (or so much thereof as may be necessary for that purpose) by the State in adjusting the titles of its grantees to lands sold prior to June 9th, 1854, as contemplated by act of Congress approved July 12, 1862. The amendment was adopted.

Senator Bassett offered the following amendments to Section 6: Strike out the word "remaining" in the 6th line and insert after the word "lands" the words "including the two hundred and forty sections, to be selected by said company as herein provided. Also strike out the word "after" in the 7th line and insert the word "except," and strike out the words "Section four" and inserting the words "Sections four and five"; and also strike out the words "has been set apart."

A division of the question being called for, the vote was taken on each amendment separately and each amendment was adopted.

Senator Henderson offered the following amendment to Section

6: Strike out in the second line the words "the preceding Section has" and insert therefor the words "Sections four and five of this Act have." The amendment was adopted.

Senator Cutts moved to amend Section 7, by adding: "Provided that the Governor shall issue no such patent until said railroad company shall have furnished to the Governor satisfactory evidence that all of the claims named in Section 9 of this Act have been paid, or the State completely released from the payment of any part of the same.

Pending this amendment, Senator Stubbs moved that further consideration of the Bill be postponed until 9½ o'clock A. M. tomorrow, and be made the special order for that hour.

The motion was adopted.

On motion of Senator Stubbs, the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 19th, 1864.

The Senate convened at 9 o'clock A. M., the President in the chair.

Prayer was offered by the Rev. Mr. Peet.

Journal of yesterday read and approved.

By consent the following reports of committees were submitted.

By Senator Parvin:

The Committee on Enrolled Bills have examined Senate File No. 89: An Act to prohibit the circulation of foreign bank notes in this State.

Also House File No. 6: An Act empowering counties to offer additional bounties on scalps of wild animals, and find the same correctly enrolled.

J. A. PARVIN, Chairman.

By Senator Henderson:

The Railroad Committee have had Senate File No. 214: A Bill for an Act to amend section 1314 of the Revision of 1860, granting right of way to railroad companies, under consideration and directed me to report the same back and recommend its passage.

Also, from Committee on University and University Lands, the following:

The Committee, to whom was referred House File No. 94, have had the same under consideration and recommend a change in section 20, (the publication clause,) by striking out Iowa Homestead and insert Iowa Statesman.

By consent, House File No. 94: A Bill for an Act to amend an act entitled an act for the government and regulation of the State University of Iowa, was taken up.

The amendment recommended by the committee was adopted.

The bill was read a third time, and the question being upon the passage of the bill,

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Cutler, Clarkson, Crookham, Clark, Foote, Gray, Gue, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Udell and Wharton—31.

The nays were, Senators Burdick, Dixon, Hillyer, Knoll and Woolson—5.

Absent without excuse, Senators Bridges, Cutts, Flauth, Hart, Merrill, Roberts, Stubbs and Young.

Bill passed and title agreed to.

Received, the following message from the House:

MR. PRESIDENT.—I am directed to inform the honorable Senate that the House has passed the following bills:

House File No. 163: "A Bill for an Act to provide for the payment of the just claims of certain officers and soldiers of Iowa regiments for military services."

Also, substitute for House File No. 109: "A Bill for an Act to repeal Chapter 160 of the acts of the 9th General Assembly, and providing for the settlement of Swamp Land claims with the United States."

Also, have amended and passed Senate File No. 77: "A Bill for an Act to prohibit certain male stock from running at large."

And Senate File No. 101: "A Bill for an Act to provide for the redemption of War and Defense Fund Warrants and authorizing the Governor to settle claims against the United States, and fixing his compensation."

In all of which the concurrence of the Senate is respectfully asked.

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following bills:

Senate File No. 123: "A Bill for an Act authorizing the transmission of funds to pay interest on State Bonds," without amendment.

Also, substitute for House File No. 112: "A Bill for an Act granting to certain Railroad Companies an extension of time for completing their roads upon the performance of certain conditions, and for the forfeiture of rights and lands in certain cases."

In which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

The House has also passed House File No. 164: "A Bill for an Act fixing the time for holding court in the counties of Wright, Hancock, Winnebago, Worth, Cerro Gordo, and Franklin, in the Eleventh Judicial District."

House File No. 142: "A Bill for an Act entitled An Act to

legalize the levy and collection of certain taxes within the corporate limits of Sioux City."

House File No. 73: "A Bill for an Act authorizing the Trustees of the Iowa State Agricultural College and Farm to sell all lands acquired, granted, donated or appropriated for the benefit of said College, and to make an investment of the proceeds thereof."

Also, House File No. 165: "A Bill for an Act to amend section 4374 of Chapter 173 of the Revision of 1860."

And the following Joint Resolution:

Resolved, by the House of Representatives (the Senate concurring, That the per diem allowance of the Janitor of the Capitol be \$4.00; that the per diem of each of the Postmasters while in the service of the General Assembly be \$3.00; for carrying the mail, \$2.55.

In which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

The Chair announced that the hour had arrived for the consideration of special order, substitute for Senate File No. 176: A Bill for an Act supplemental to Chapter 99 of the Laws of the 7th General Assembly, approved March 22d, 1858, and relating to the Des Moines River Land Grant, and for the payment of certain audited claims.

Senator Cutts withdrew his amendment pending at the adjournment of the Senate, and offered as a substitute therefor, the following:

"Provided, That no such patent shall be issued until said company shall have paid into the State Treasury the amount paid by the State to James A. Brown and George C. Allender under the provisions of Chapter 44 of the acts of the 9th General Assembly, with interest thereon at the rate of eight per cent. per annum from the date of said payment by the State; also, the amount required to be paid by said company to the State under the provisions of Chapter 53 of the Laws of the 8th General Assembly."

On the adoption of the amendment the yeas and nays were demanded.

The yeas were, Senators Brown, Clarkson, Cutts, Gray, Hillyer, Hilsinger, ~~McJunkin~~, Parvin, Ross, Stubbs and Wharton—11.

The nays were, Senators Bassett, Burdick, Brunson, Boardman, Cutler, Crookham, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Saunders, Udell and Woolson—28.

Absent without excuse—Senators Bridges, Clark and Merrill.

Senators Roberts, and Young were excused.

The amendment was not adopted.

Senator Clarkson moved to amend Section 8 by striking out the name of "Angus McBane," and inserting the name of "J. B. Powers."

The amendment was not adopted.

Senator McCrary of Van Buren moved to amend Section 9, by striking out the words "audited by," and insert the words "filed with."

The amendment was not adopted.

Senator Stubbs moved to amend Section 9 by inserting after the word "been," in the second line, the words "or may hereafter be within six months after the passage of this act."

The amendment was not adopted.

Senator Patterson offered the following amendment to Section 9: Insert after the word "with," in the fifteenth line the following: "And provided said Keokuk, Fort Des Moines and Minnesota Railroad shall have filed with the Secretary of State a bond in the sum of one thousand dollars, with sureties to be approved by the Governor, conditioned that said Railroad Company will pay all just and legal claims against the State of Iowa on account of growing out of the Improvements of the Des Moines River.

On the adoption of this amendment,

The yeas were, Senators Burdick, Brunson, Brayton, Brown, Clarkson, Crookham, Cutts, Dixon, Gray, Gue, Hogin, Hurley, Hilsinger, McJunkin, McMillan, Patterson, Parvin, Ross, Stubbs and Wharton—20.

The nays were, Senators Bassett, Bridges, Foote, Hart, Henderson, Hillyer, Hunt, Hatch, Knoll, King, McCrary of Lee, McCrary of VanBuren, Moore, Udell and Woolson—15.

Absent without excuse, Senators Cutler, Clark, Flauth, Hesser, Merrill, and Saunders,

The amendment was adopted.

Senator Clarkson offered the following amendment:

Add to section 9 the following: *And provided*, That the said company, in accepting the grant of land in this act provided thereby, releases any claim the company may set up against the State of Iowa for any pretended failure to obtain any lands granted to the State by acts of Congress of July 12, 1862, or by act of August 8th, 1846.

The amendment was adopted.

On motion of Senator McCrary of Lee, the word "shall" was inserted after the word "case" in eighth line of section 11.

Senator McJunkin offered the following amendment as a substitute for section 11:

In case the said company shall not have paid all the claims mentioned in the ninth section of this act, as follows: at least one-half in amount thereof, within one year from the time the certificate of such lands shall be delivered to the State, then the Register of the State Land Office shall offer the said reserved lands for sale at public auction in such parcels as will bring the greatest price, after giving two months notice of such sale in the Iowa State Register, the Keosauqua Republican, and the Fort Dodge Republican.

Provided, That in no case the lands be sold for less than one dollar and twenty-five cents per acre.

At such sale the owners of any of the said claims may bid on such lands, and the Register shall receive their claims as aforesaid, receipted as money paid on such bid.

On the adoption of this amendment the yeas and nays were demanded and the vote was taken, with the following result:

The yeas were, Senators Brayton, Brown, Clarkson, Cutts, Gray, McJunkin, Patterson and Stubbs—8.

The nays were, Senators Bassett, Brunson, Boardman, Bridges, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Saunders, Udell and Wharton—26.

Absent without excuse—Senators Burdick, Cutler, Crookham, Clark, Hesser, Ross and Woolson.

The amendment was not adopted.

Senator Henderson moved to amend section 11 by inserting after the word “fixed” the words, “unless hereafter directed by the General Assembly.”

The amendment was adopted.

Senator Clarkson offered the following amendment: Strike out the words “such claims,” in the ninth line of section 13, and insert the words, “all claims for the payment of which said indemnity lands were granted by Congress.”

The amendment was not adopted.

On motion of Senator Woolson the words “or due the Commissioners” were inserted after the word “advanced” in the 3d line of Section 12.

Senator Woolson offered the following amendment: “Insert after the word “reserved” in the 11th line of section 13 the words “not required to pay the claims mentioned in Section 9 of this Act.”

The amendment was adopted.

Senator Woolson offered the following amendment to section 15: Strike out the word “it” after the word “grant” in the 3d line and insert the words “*Provided*, that all the claims mentioned in Section 9 of this Act.”

Pending this amendment, on motion of Senator Clarkson, the Bill was postponed till 2 o'clock P. M., and made the Special Order for that hour.

By consent, House File No. 112, A Bill for an Act granting to certain Rail Road Companies an extension of time for completing their roads upon the performance of certain conditions and for the forfeiture of rights and lands in certain cases, was taken up and on motion of Senator Clarkson, 100 copies of the Bill were ordered to be printed.

By consent, Senator Foote called up Senate File No. 101: A Bill for an Act to provide for the redemption of War and Defense

Fund Warrants and authorizing the Governor to settle claims against the United States and fixing his compensation.

The question being upon the concurrence of the Senate in the House amendments, the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Flauth, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Udell, Wharton, and Woolson—37.

The nays were, none.

Absent without excuse, Senators Burdick, Bridges, Clark, and Henderson.

The Senate concurred.

Senator Boardman called up House File No. 152: A Bill for an Act to enable incorporated towns and cities to acquire, hold, improve and dispose of lands for public squares, parks, commons and cemeteries.

The Bill was read a first and second time, and referred to Committee on Incorporations.

Senator Brown called up House File No. 163: A Bill for an Act to provide for the payment of the claims of certain officers, and salaries of Iowa regiments.

The Bill was read a first and second time, and referred to Committee on Military Affairs.

On motion of Senator Foote the Senate proceeded to consider the messages from the House.

Senate File No. 77: A Bill for an Act to prohibit certain male stock from running at large, was taken up.

The question being "Shall the Senate concur in the House amendments," the yeas and nays were called, with the following result:

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flauth, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary, of Lee, McCrary, of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Udell, Wharton and Woolson—34.

The nays were, Senators Hatch, Hilsinger, Parvin, Udell, Wharton and Woolson—6.

Senator Henderson absent without excuse.

The Senate concurred.

Substitute for House File No. 109, A Bill for an Act to repeal Chapter 160 of the Acts of the Ninth General Assembly and providing for the settlement of Swamp Land claims with the United States, was taken up.

The Bill was read a first and second time and referred to Committee on Public Lands.

House File No. 73, A Bill for an Act authorizing the Trustees of the Iowa State Agricultural College and Farm to sell all lands acquired, granted, donated or appropriated for the benefit of said College, and to make an investment of the proceeds thereof, was taken up.

The Bill was read a first and second time and referred to the Committee on Agriculture.

House File No. 165, A Bill for an Act to amend Section 4374 of Chapter 173 of the Revision of 1860, was taken up.

The Bill was read a first and second time and referred to Judiciary Committee.

House File No. 162, A Bill for an Act entitled an Act to legalize the levy and collection of certain taxes within the corporate limits of Sioux City, was taken up.

The Bill was read a first and second time and referred to Judiciary Committee.

House File No. 164: A Bill for an Act to amend an Act fixing the times of holding courts in the counties of Wright, Hancock, Winnebago, Worth, Cerro Gordo and Franklin, in the 11th Judicial District.

The Bill was read a first and second time and referred to the Committee on Judicial Districts.

House File No. 145: A Bill for an Act to provide for the compilation and publication of the Road Laws and distribution of the same, was taken up.

The Bill was read a first and second time, and referred to Committee on Printing.

House File No. 125: A Bill for an Act defining the duties of County Surveyors was taken up.

The Bill was read a first and second time and referred to Committee on Public Lands.

House File No. 156: A Bill for an Act to change the names of counties, was taken up.

The Bill was read a first and second time and referred to Committee on Township and County Organization.

Substitute for Senate File No. 37: A Bill for an Act fixing the per diem of Road Supervisors, was taken up.

The Bill was read a first and second time and referred to Committee on Roads.

Senate File No. 131: A Bill for an Act to provide for the sale of the Swamp Lands in the several counties of this State was taken up.

The question being "Shall the Senate concur in the House amendments," the yeas and nays were called with the following result:

The yeas were, Senators Bassett, Burdick, Brunson, Brayton,

Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flangh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Wharton, and Woolson—39.

The nays were, Senator Udell—1.

Absent without excuse, Senator Henderson.

The Senate concurred.

On motion of Senator Clarkson, the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock, P. M.

The Senate resumed the consideration of substitute for Senate File No. 176, under consideration of the Senate in the forenoon, and made the special order for this hour.

Senator Woolson withdrew his amendment pending at the postponement of the Bill, and offered the following as a substitute therefor: "Insert after the word "grant" in the 3d line of section 15, the words "as prescribed in this Act."

The amendment was adopted.

On motion of Senator Woolson, the word "undisposed," after the word "grant," in the sixth line of section 15, was stricken out and the words, "not otherwise disposed" were inserted therefor.

Senator Crookham offered the following amendment to section 15, by adding: "Provided, That the said road shall be built by the city of Oskaloosa, and it is hereby made a condition of this act that said city shall be a point on the main line of said road, the same to run within one-and-one-half miles of the public square of said city."

On the adoption of this amendment,

The yeas were, Senators Burdick, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Flangh, Gray, Gue, Hogin, Hillyer, Hilsinger, Knoll, King, McJunkin, Moore, McMillan, Patterson, Parvin, Ross, Stubbs, Wharton and Young—29.

The nays were, Senators Bassett, Foote, Henderson, Hesser, Hatch, McCrary of Lee, McCrary of Van Buren, Saunders, Udell and Woolson—10.

Senators Hart and Hunt excused.

The amendment was adopted.

Senator Clarkson moved to strike out the words "Fort Dodge" in the third line of Section 16, and insert the words "Northern Border of Iowa."

The amendment was not adopted.

On motion of Senator McCrary of Lee, the word "Fort" in the third line of Section 16 was stricken out.

On motion of Senator Bassett, the words "and equip" were inserted after the word "build" in the fourth line of Section 17.

Senator Woolson moved to strike out all of Section 17 after the word "road," in the 6th line, and insert "the lands then remaining uncertified to said company shall belong to this State, to be disposed of as provided by the Act of Congress of July, 1862, and the laws of this State."

The amendment was adopted.

On motion of Senator Wharton the words "and J. R. Needham" were inserted after the words "Angus McBane," in the 6th and 8th Sections.

Senator Cutts moved to reconsider the vote by which Section 5 was adopted.

The motion was lost.

Senator Hunt offered the following amendment.

Sec. 19. The said Keokuk, Fort Des Moines & Minnesota Railroad Company shall assent to and accept the provisions of this Act by a written instrument, under the seal of said corporation, with the signatures of the proper officer, within ninety days after the lands are certified to the State, when said acceptance shall be filed in the office of the Secretary of State, and be by the Secretary recorded in the book by him kept for the recording of articles of association. Said Company accepting the provisions of this Act shall at all times be subject to all the rules and regulations and all the restrictions and conditions not inconsistent with this Act, provided in an Act passed March 3d, 1860, an Act passed March 22d, 1858, and an Act passed July 14th, 1856, by the General Assembly of the State of Iowa.

The amendment was adopted.

Senator Dixon moved to add to section 5, the following:

Provided, The State fails to require the Rail Road Companies claiming the lands specified in this section, to release said lands to the innocent purchasers from the State.

The amendment was not adopted.

On motion of Senator Bassett the name of Angus McBane, wherever it occurred in the Bill, was stricken out and the name of Chas. Pomeroy of Boonsboro, was inserted, and in sections 6 and 8 the name of "J. R. Needham" was stricken out.

Also, on motion of Senator Bassett the words "all of" were inserted after the word "office."

On motion of Senator Stubbs the Senate reconsidered the vote by which section 19 was adopted.

Senator Hunt withdrew his amendment, being section 19, and Senator Burdick offered the same with the following changes:

Strike out the words "within 90 days after the passage of this

act," and insert the words, "before any lands shall be certified to them by the Governor as provided by this act."

The amendment was adopted.

On motion, the substitute as amended was adopted.

On motion of Senator Stubbs, the bill was ordered to be engrossed and made the special order for Monday, March 21st, at 2 o'clock P. M.

By consent, Senator Foote called up House Joint Resolution relating to the Janitor of Committee Rooms and Postmasters of the General Assembly.

Senator Dixon moved to amend the Resolution by making the pay of Janitor \$3 instead of \$4.

The amendment was not adopted.

On motion of Senator Henderson the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 21st, 1864.

Senate convened at 9 o'clock A. M.—the President in the chair.
Prayer was offered by the Rev. W. A. Eggleston.
Journal of Saturday read and approved.

PETITIONS AND MEMORIALS.

By Senator Ross, in reference to change in the form of contract of School Directors with School Teachers.

Referred to Committee on Schools.

By Senator McCrary of Lee. Claims of the estate of E. Mayne, J. E. Jewett and Ed. Johnston for services as Commissioners.

Referred to Committee on Claims.

By Senator Brayton. In reference to the repeal of the "Prohibitory Liquor Law," and the passage of a License Law.

Laid on the table.

By Senator Woolson: The petition of James K. Beard, asking for an Act extending to citizens of Iowa employed by the General Government, the right to vote. Referred to Committee on Elections.

REPORTS OF COMMITTEES.

By Senator Parvin:

The Committee on Enrolled Bills, on the 19th inst., presented to his Excellency the Governor, for his approval Senate File Nos. 196 and 89.

By Senator Hogin:

The Committee on Engrossed Bills have examined Senate File No. 210, entitled A Bill for an Act relating to the office of County Recorder and Treasurer, and providing for their separation, and find it correctly engrossed.

By Senator Moore:

The Select Committee, to whom was referred substitute for Senate File Nos. 71 and 182: "A Bill for an Act to provide for the relief of the families of Iowa soldiers, and further compensation thereby to such soldiers for their services," have had the same under consideration and instructed me to report the following substitute and recommend its passage.

The Committee were also instructed to inquire into the expediency of exempting the property of non-commissioned officers and privates from taxation while in the service of the United States; and have instructed me to report that in their opinion it would be inexpedient.

By Senator Dixon:

The Committee on Claims beg leave to report that they have examined the following claims and would recommend that the Committee of Ways and Means be instructed to provide for the payment of the same in an appropriation bill, to be by them reported, to wit:

To Finkbine & Lovelace, for balance due on work at the Blind Asylum,.....	\$124 90
To Wm. B. Fairfield, for losses incurred by burning of steamboat when on his way to take the vote of the 22d Iowa Regiment,.....	40 00
To Elisha Brady, for losses incurred by burning of steam- boat when acting as Commissioner to take the vote of the 38th Iowa Regiment,.....	30 00

The report of the Committee was adopted and referred to Committee on Ways and Means.

By consent, House File No. 86: A Bill for an Act providing for recording U. S. revenue stamps attached to instruments of writing, was taken up.

The amendments recommended by the Committee were adopted.

Senator Woolson moved to insert after the word "stamp" in the eighth line, the words, "or words equivalent substantially thereto." The amendment was adopted.

The bill was read a third time.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Saunders, Stubbs, Wharton, Woolson and Young—35.

The nays were, none.

Leave of absence was granted to Senators Brunson, Shippen, Ross, and McJunkin.

Absent without excuse, Senators Hatch, Parvin, and Udell.

Bill passed and title agreed to.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following Bills:

Senate F. No. 195: A Bill for an Act for the improvement of the State Penitentiary;

Also, Senate File No. 139: A Bill for an Act making a further appropriation for the Hospital for the Insane;

Also, Senate File No. 86: A Bill for an Act making an appropriation for and directing the erection of an agricultural college, without amendments;

Also, Senate File No. 108: A Bill for an Act providing for the erection of an arsenal building, with amendments;

Also, Senate File Fo. 124: A Bill for an Act to amend sub-division 5 of Section 663 of Revision of 1860, and have amended the same by striking out Section 2;

Also, Senate File No. 97: A Bill for an Act requiring reports from the Clerks of the several Boards of Supervisors in this State concerning school lands, with amendments;

Also, House File No. 113: A Bill for an Act to amend Chapter 102 of the Acts of the regular session of the 9th General Assembly in reference to Estrays;

Also, House File No. 127: A Bill for an Act providing for the formation of the 12th Judicial District and fixing the times for holding Courts therein, and fixing the times of holding Courts in the 10th and 11th Judicial Districts and providing for the election of a District Judge and District Attorney in the 12th Judicial District.

In all of which the concurrence of the Senate is respectfully asked.

The House has also concurred in Senate amendment to House File No. 94: A Bill for an Act to amend an Act entitled "An Act for the government and regulation of the State University of Iowa."

JACOB RICH, Chief Clerk H. R.

The special order—Senate File No. 177: A Bill for an Act to accept a conveyance of lands made to the State of Iowa for the benefit of her grantees by the Cedar Rapids and Missouri River Railroad Company to remit the forfeitures and penalties incurred by said Company, and to extend the time for building their road, and for other purposes—was taken up.

On motion of Senator Woolson, the Bill was postponed until tomorrow at 2 o'clock P. M., and made the special order for that hour.

The special order being substitute for Senate File No. 50: A Bill for an Act providing for the taxation of the property of railroad corporations, was taken up.

On motion of Senator Patterson, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

Special order, Senate File No. 50, under consideration at the adjournment, was taken up.

Senator Gue moved that the Bill be laid upon the table; and on this question,

The yeas were, Senators Burdick, Brunson, Boardman, Bridges, Cutler, Clarkson, Crookham, Gray, Gue, Henderson, Hillyer, Hesser, Hunt, Hilsinger, Knoll, McCrary of Lee, Patterson, Rocs, Saunders, Udell, and Young—21.

The nays were, Senators Brayton, Brown, Clark, Dixon, Foote, Flaugh, Hart, Hogin, Hurley, King, McCrary of Van Buren, McMillan, Parvin, Stubbs, Wharton, and Woolson—16.

Senators Hatch and Moore were excused.

Absent without excuse, Senators Bassett and Cutte.

The motion prevailed.

RESOLUTIONS.

By Senator Hunt:

Resolved, That in acknowledging the invitation of the Committee of Arrangements appointed at a meeting of the citizens and a portion of the members of the General Assembly, convened at the Capitol on the 5th of March, to attend the "Northwestern Ship Canal Convention," we do hereby express our emphatic approval of the objects of that Convention, viz: to induce Congress to take measures to remove the obstructions of, or build a Ship Canal around the rapids of the Mississippi river, and also to construct a Ship Canal from the Mississippi river opposite the eastern border of the State of Iowa, to Lake Michigan, as a matter of vast importance to the commercial and agricultural interests of Iowa and the Northwest.

The resolution was adopted.

By Senator Young:

Resolved, That hereafter no Senator shall be allowed to speak longer than twenty minutes on any question pending before the Senate, without the unanimous consent of the Senators present.

Senator Hilsinger moved to amend by striking out the word "twenty," and inserting the word "fifteen."

The amendment was adopted.

The resolution was adopted.

By Senator Saunders:

Resolved, That on and after to-day, unless otherwise ordered, the Senate will hold evening sessions commencing at half past seven o'clock.

The resolution was not adopted.

By Senator Boardman:

Resolved, By the Senate, the House of Representatives concurring, That both Houses meet in Joint Convention on Wednesday evening at 7 o'clock to elect a Superintendent of Public Instruction for the term of two years. Also, at the same time to elect five Trustees for the Agricultural College.

The resolution was adopted.

By Senator Young:

Resolved, By the Senate the House of Representatives concurring, that a Committee of five on the part of the Senate be appointed to act in concert with a like Committee on the part of the House, in the examination of all bills pending in either branch of the General Assembly, and that said Committee be and are hereby instructed to report on Thursday morning such Bills as should be first considered and acted upon in order to subserve the best interests of the State.

The resolution was not adopted.

Special Order, Senate File No. 106, A Bill for an Act to provide for the purchase of the building used as a Capitol, and the lots on which the same is situated, and to secure the School Fund, and for other purposes, was taken up.

The President submitted the following communication from the Governor:

MR. PRESIDENT:—I am instructed by the Governor to lay on your desk the accompanying abstracts of title to property mortgaged to the School Fund, with request that you will submit the same to the Senate.

R. G. ORWIG,

Private Sec'y,

March 21, 1864.

(See Appendix "A.")

On motion of Senator Clarkson, the Bill was postponed till tomorrow at 9½ o'clock A. M.

Senator Boardman moved that the rules be suspended and that the substitute for the substitute for Senate File Nos. 71 and 132 be adopted. On this motion

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hesser, Hilsinger, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Saunders, Stubbs, Wharton, and Young—28.

The nays were, Senators Burdick, Foote, Gray, Knoll, King, Parvin, Udell, and Woolson—8.

Absent without excuse, Senator Hillyer.

The motion was adopted.

On motion of Senator Parvin the substitute was adopted for the original Bill.

The Bill was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were called with the following result:

The yeas were, Senators Bassett, Brunson, Brayton, Boardman, Brown, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hilsinger, Knoll, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs and Udell—33.

The nays were, Senators Burdick, Bridges, King, Wharton, Woolson and Young—6.

Bill passed and title agreed to.

Senators Stubbs, Young, Woolson, Bridges, Burdick, and Wharton, gave notice that they would file a protest against the action of the Senate in passing the bill.

Senator Gray, from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined "substitute for Senate File Nos. 176 and 197: A Bill for an Act supplemental to Chapter 99 of the Laws of the Seventh General Assembly, approved March 22d, 1858, and relating to the Des Moines River Land Grant, and for the payment of certain audited claims," and find the same correctly engrossed.

By consent, Senator Henderson introduced Senate File 234: A Bill for an Act explanatory of section 20 of an act entitled An Act to amend an act entitled An Act for the government and regulation of the State University of Iowa.

The bill was read a first and second time.

On motion, the rules were suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brayton, Boardman, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Flaugh, Gray, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Wharton, and Woolson—32.

The nays were, Senators Bridges and Young—2.

Absent without excuse, Senators Brown, Clark, Gue, Stubbs, and Udell.

Bill passed and title agreed to.

By consent, Senator Stubbs was granted leave to place the following explanation of his vote upon the journal:

MR. PRESIDENT:—I arise for the purpose of explaining my vote

on this important measure, and will ask that my reasons may be entered on the journals.

Before I left home, and since I have been officially engaged in the discharge of my duties as a Senator, I believed that we should amply provide for the relief and support of the families of our devoted and self-sacrificing soldiery, who have plighted their honor to stand between us and danger, and we should do this, not because the families were in a suffering condition, not because we as a charitable people should be merely merciful to the needy, but because we absolutely owed them a debt, and, as I believe, a debt that we shall never be able to repay. I was, therefore, in favor of allowing to the families of those devoted men a stipulated amount per month, and that each recipient might receive this bounty without regard to condition, and I accordingly drew up and presented to the Senate a bill embodying such provisions. This bill was referred to a joint Committee of both houses, and with that Committee, after a fair and honest exchange of sentiment, there was a great diversity of opinion as to the best mode of providing for this worthy class of our citizens, but there was a unity of opinion in regard to making the benefits a bounty and not a charity.

But when the Committee reported the matter to the Senate, and it was taken up in its regular order, there was a great diversity of opinion relative to the best possible mode of carrying into effect this great work of patriotism. Many objecting that under the provisions of the bill, if enacted, the taxes would be enormous, that there was no need of taxing honest toil for the support of those already provided for. I admit that there was great force in this argument. I moved to exclude from the benefits of the provisions of the bill all those families whose husbands are the recipients of bounties amounting to more than one hundred dollars. This proposition was very fully and ably discussed, and a majority concurring in the opinion that the needy should alone be provided for, and referred the bills and substitute to a special Committee, with instructions to adopt the provisions of that bill, so that it would aid the needy alone. I am opposed to setting any one up as a judge over the necessities of the families of those to whom we are under so many obligations as is provided in this bill; but at this late day in the session, with the great diversity of sentiment existing, I believe that nothing better can be done than to pass this bill in its present form. It may extend relief to a few, and may God forbid that by my vote anything, be it ever so small, shall be withheld from the family of the soldier.

I then voted aye.

D. P. STUBBS.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House has passed the following concurrent resolution:

Resolved by the General Assembly of the State of Iowa, That the

Secretary of State be directed to furnish each officiating Clergyman of the present General Assembly with a copy of the Adjutant General's Report of Jan. 1st, 1863.

Alson the accompanying concurrent resolutions relating to "Iowa Sanitary Commission."

In all of which the concurrence of the Senate is respectfully asked.

JACOB RICH,

Chief Clerk House Representatives.

On motion of Senator Henderson the Senate reconsidered the vote by which the Senate adopted the substitute for Senate File No. 176.

Senator Burdick moved that the Senate reconsider the vote by which the Senate adopted the amendment to the substitute offered by Senator Patterson, requiring the Railroad to give bonds, &c.

On motion of Senator Hilsinger the Senate adjourned.

SENATE CHAMBER, }
DES MOINES, March 22d, 1864. }

The Senate convened at 9 o'clock, A. M.

The President in the Chair.

Prayer was offered by the Rev. J. A. Nash.

Journal of yesterday read and approved.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the Honorable Senate that the House has pased the following Bills:

Senate File No. 20: "A Bill for an Act to amend Section 432 of the Revision of 1860," without amendment.

Also, House File No. 46: "A Bill for an Act to provide for the loan of the permanent School Fund, and fixing the rates of interest thereon, and limiting the price at which school lands may be sold, and for other purposes," in which the concurrence of the Senate is respectfully asked.

Also, Senate File No. 234: "A Bill for an Act explanatory of Section 20 of an Act entitled an Act to amend an Act entitled an Act for the government and regulation of the State University of Iowa," without amendment.

JACOB RICH, Chief Clerk H. R.

By consent, Senator Hilsinger from Committee on Claims submitted the following report:

The Committee on Claims to whom was referred the petition of Garaghty, claiming of the State of Iowa the sum of \$1875 as balance due him for services as administrator of the estate of

Francis W. Allen, deceased, have examined the same, and all the matters relating thereto, as fully as our limited time would admit of, and a majority of said committee have instructed me to make the following report:

1st. If the said Garaghty is entitled to the sum claimed in his said petition, or any other sum, for services as administrator of said estate, such sum is a charge against it, and not the State of Iowa. It was claimed or stated by persons who appeared before the Committee on the subject of said claim, that the State ought to pay said Garaghty for his services as attorney in the action brought by the State against the former administrator of said estate and others, to set aside conveyances, &c., claimed to be fraudulent; but the Committee could not ascertain the amount due him, to their satisfaction, if anything; and whether or not there is now anything due him for such services, they thought it unnecessary to determine; for if there is anything due him for attorney fees as claimed, he can present his claims before the Census Board, who have full power to allow him whatever may be found to be due.

2d. The said petitions contains some sweeping charges of fraud in the original sale of the lands and in the settlement of the said estate. To determine the validity of these charges, would require a review of the whole case, and might in the end prove only fruitless labor. Should fraud be established in the original settlement of the estate (and your Committee express no opinion whether it could or not) the State having released to the purchasers and occupants of said land all of her interest in and to the same by an act passed at the regular session of the 8th General Assembly, in order to quit their titles, &c., cannot now recover it back. Besides such action would result in great hardship to many innocent purchasers and occupants of said lands, who have made valuable improvements in good faith. It would again involve them in litigation and throw a cloud over their titles while it would not ultimately prove of advantage to the State. We cannot therefore recommend the repeal of said act.

We therefore recommend that the whole subject be laid upon the table, without prejudice to the claim of the said Garaghty.

Dated March 21st, 1864.

J. HILSINGER, B. F. GUE, FRED. HESSER, GEO. W. BASSET,	}	Committee on Claims.
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Senator Clarkson, from Committee on Agriculture, submitted the following report:

The Committee on Agriculture, to whom was referred House File No. 73: "A Bill for an Act authorizing the Trustees of the Iowa State Agricultural College and Farm, to sell," &c., have had the same under consideration, and have two amendments, (herewith

reported) and as thus amended, have directed me to report the same back and recommend its passage.

C. F. CLARKSON, Chairman.

SENATE COMMITTEE AMENDMENTS.

After the enacting clause strike out all to the word "acts," in the 5th line, and insert—

"That all the lands granted to the State of Iowa, by the act of Congress, entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2d, 1862, which grant was accepted by said State of Iowa by an act passed at the Extra Session of the Ninth General Assembly, approved September 11th, 1862, be, and the same are hereby granted to the Iowa State Agricultural College, situated on the Agricultural Farm, in Story county, Iowa. The interests on the proceeds arising from the sales of said lands, or any part thereof, and the rents accruing from the lease of any said lands, are hereby appropriated to the endowment, support, and maintenance of said college, upon the terms, conditions, and restrictions contained in said act of Congress, and subject to such conditions and restrictions as future Legislatures of Iowa may impose. The Board of Trustees of said Agricultural College and Farm are hereby authorized to sell all of said lands."

After section 1 insert another section as follows :

"Section 2. The said trustees are hereby authorized to lease for a term of ten, or more years, any of said lands, the lessee to pay 6 per cent. interest per annum upon the appraised value of said lands, with the privilege of purchasing the same at the expiration of the lease at their appraised value at the date of the lease; and for the purpose of leasing said lands, the trustees of said college shall cause a requisite portion of said lands to be appraised, which appraisement shall not be less than one dollar and twenty-five cents per acre, nor more than the real value thereof. The lessee, upon failure to pay the interest on his lease within six months after the same becomes due, shall forfeit his lease, with all of the improvements thereon, to the said college."

By consent, Senator Boardman called up House File No. 46 : A Bill for an Act to provide for the loan of the permanent School Fund and fixing the rate of interest thereon and limiting the price at which school lands may be sold, and for other purposes.

The bill was read a first and second time and referred to Committee on Schools.

Substitute for Senate File No. 176: A Bill for an Act supplemental to Chapter 99 of the Laws of the 7th General Assembly, approved March 22d, 1858, and relating to the Des Moines River Land Grant, and for the payment of certain audited claims, was taken up.

Senator Burdick withdrew his motion pending on the adjournment of the Senate.

Senator Ross offered the following amendment to the bill:

Section 10. The bond provided for in section 9 of this act shall not bind the Keokuk, Ft. Des Moines and Minnesota Railroad Company to pay any claims except such as have grown out of contracts for the construction and completion of the works at Keosauqua, Plymouth and Croton, and which have been allowed by the Commissioners appointed under the act of March 3d, 1860, or their successors; or which shall be allowed (not exceeding twenty thousand dollars) within sixty days from the taking effect of this act; all claims not presented within the said sixty days shall be forever barred. Said Commissioners are authorized to hear and determine such claims as may be presented to them within the said sixty days, and to fix the time and place of their meeting, and to give thirty days notice thereof in the Keosauqua Republican and Keokuk Gate City, as provided in said act of March 3d, 1860; *Provided*, That as to all claims not mentioned in this section the bar imposed by the act of March 3d, 1860, is to continue in full force.

The amendment was adopted.

Senator Cutts offered the following amendment:

Strike out of section 4 all after the word "township" in the fourth line down to and including the word "situated" in the fifth and sixth lines, and then add to said section 4 as follows:

Provided, That in the setting apart of said 70,000 acres, ten sections of said land, upon which S. H. Taft has located a colony, shall be excluded; and the Governor is hereby authorized to convey said ten sections of land to said S. H. Taft for not less than one dollar and twenty-five cents per acre, and the money received for the same shall be deposited in the State Treasury for the use of the party who shall be entitled thereto.

The amendment was adopted.

On motion of Senator Hilsinger section 20 was amended by striking out the word "certified" and inserting the word "patented."

Senator Patterson offered the following amendment to section 17:

Add to the section, *Provided*, however, that the Railroad Company building westwardly from McGregor shall have the right of way for their road across the lands embraced in this act, and the same is hereby granted to said company.

The amendment was adopted.

By consent, the words "the way of" were inserted after the word "by" in the proviso added to section 5. On motion of Senator Crookham, the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators, Bassett, Brunson, Brayton, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Cutts, Foote, Flaugh,

Gue, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton and Young—33.

The nays were, Senators Burdick, Dixon, Gray, Hart, Hesser, Patterson, Roberts and Woolson—8.

Senator Knoll excused.

Absent and not excused—Senator Clark.

Bill passed and title amended by adding “and releasing to the United States certain occupied lands included in said grant.”

Senator Parvin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills have examined House File No. 94: “An Act to amend an Act entitled an Act for the government and regulation of the State University of Iowa.”

Also, Senate File No. 86: “An Act making an appropriation for and directing the erection of an Agricultural College.”

Also, Senate File No. 139: “An Act making a further appropriation for the Hospital for the Insane.”

Also, Senate File No. 77: “An Act to prohibit certain male animals from running at large.”

Also, Senate File No. 131: “An act to provide for the sale of the Swamp Lands in the several counties of this State.”

Also, Senate File No. 101: “An Act to provide for the redemption of war and defense fund warrants, and authorizing the Governor to settle claims against the United States, and fixing his compensation.”

Also, Senate File No. 123: “An Act authorizing the transmission of funds to pay interest on State Bonds.”

Also, Senate File No. 234: “An Act explanatory of Section 20 of an Act entitled an Act to amend an Act entitled an Act for the government and regulation of the State University of Iowa,” and find the same correctly enrolled.

J. A. PARVIN, Chairman.

Senator Woolson submitted the following protest:

The undersigned Senators respectfully dissent from and protest against the action of the Senate on the 21st instant in passing Senate File No. 212 $\frac{1}{2}$, a Bill entitled “an Act for the relief of families of soldiers and mariners in the service of the United States,” and ask that their reasons therefor be entered on the journal, as follows:

1st. The report of the special committee was held by the Chair to be an amendment to an amendment, and not therefore open to further amendments; and this placed it out of the power of those who, with us, wished it materially changed from putting it in such form as would enable us to vote for it.

2d. The Bill is imperfect in its provisions to effect what it attempts to do, as it provides no direction for the disbursement of

the money raised, except in such general terms that it is liable to be abused by those unfriendly to the object, and will be administered in some counties according to one rule and in other counties by other rules—the administration thereof will not be uniform.

3d. The Bill permits counties to provide for *necessitous* families of soldiers, &c., *only*—thus branding all who consent to receive the pittance doled out to them, as objects of charity—placing them alongside of those supported by the county poor fund—it gives the money not as being due these noble men and women but as *alms* bestowed on them because they are poor and needy, as the public charity is bestowed upon that class who, by their vices, are reduced to a state of destitution and dependence; thus placing the wives and children of our brave and noble men who are standing as a wall of protection between the public enemy and our own fire-sides, at the sacrifice of all the comforts of home and of even life itself, in the same category of the vicious poor, who are submitting in many cases to a just punishment for their evil conduct.

4th. The bill in providing that the assessor shall report who are poor and needy among these families, constitutes him an inquisitor who is to pry into the affairs of these families, to enable him to know who are proper subjects of this charity, and this gives him the opportunity which will be improved by those who are opposed to this war, to insult these worthy women who have consented to give up their dearest earthly friends to the service of their country, with the taunts that their poverty is a just punishment for their support of the war—coupling with their taunts the allegations that now the country pays them for their patriotic sacrifices by making them paupers, for whose support the opposers of the war must be taxed, and the like degrading assertions suggested by the ingenuity of those who delight in falsifying and perverting the objects of the war and maligning those who support it.

5th. By this bill the Boards of Supervisors are to disburse the sums raised to such *necessitous* families as they shall in their discretion, determine. In counties in which majorities of the Boards are opposed to the war, and are bitter opponents of all who are directly or indirectly upholding the Government, the power is given and will surely be used by the Board to favor their own friends, while they cast every stigma and insult, even to permit suffering for the necessities of life, upon all who are connected with the brave defenders of our flag. In such counties it will delight these *peace-loving* officials to aggravate the sufferings, to embitter the lonely lives, to render the most poignant the griefs, of the wives and children whose natural protectors and providers are fighting our battles. This bill furnishes an opportunity for the exercise of these devilish propensities, and we can never consent to subject these dear ones to the power of such characters.

6th. The bill authorizes the levy of two mills or more for the purposes named in the Act. In many counties ten mills

are now raised, and not found more than is devoted to the same purpose. But in counties where a majority of the Board is opposed to the war, no more than what they are compelled to raise will ever be raised. The practical effect will be that in the patriotic counties which do not need this law, it may operate to repress the liberality of the Boards of Supervisors, as it will probably be held to supersede the present law, and thus prohibit paying sums to *all* the families of soldiers as is now done in the most of the counties we represent; but it will, in those counties where a law is required to compel the Boards to act, only compel the raising of the small pittance of two mills on the dollar, which will not be anywhere sufficient to provide for only such families as may be in absolute want, and will be most likely to be used up by the political favorites of those disbursing the funds, while the families of those most deserving, must be supported by the voluntary contributions of the philanthropic, who are also taxed to pay their share of the sums raised and disbursed by their political opponents; thus, instead of relieving those now voluntarily contributing to the utmost of their means in relieving the deserving, an additional burthen is added by this act, compelling them to contribute to the relief of the favorites of those who would see our country ruined, our Government overthrown, and the inhabitants all enslaved, rather than see the present party in power succeed in restoring peace upon the only terms admissible.

Another result will be that the more patriotic a county is, the greater tax it is obliged to pay, while if a county is, by its treasonable course, protracting the war and making the expense of its prosecution greater, it is taxed the small pittance of two mills on the dollar only! thus making men pay for their patriotism while it, in a great degree, exempts the true authors of the protraction of the war, from the payment of a proper share of the money, cost thereof, caused by their nefarious practices.

T. W. WOOLSON,
J. B. YOUNG,
H. WHARTON,
M. V. BURDICK,
WM. B. KING,
C. G. BRIDGES.

Senator Henderson gave notice that he would file his protest against the action of the Senate in permitting Senator Stubbs to place upon the Journal the explanation of his vote upon the passage of Senate File No. 212½.

Special Order, Senate File No. 106: A Bill for an Act to provide for the purchase of the building used as a Capitol and the lots on which the same is situated, and to secure the School Fund, and for other purposes, was taken up, and, on motion of Senator Foote, was postponed until 2 o'clock P. M., retaining its place as special order.

By consent, the Senate proceeded to consider

MESSAGES FROM THE HOUSE.

Senate File No. 108 : A Bill for an Act providing for the erection of an Arsenal building, was taken up.

On the question, "Shall the Senate concur in the House amendments?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson, and Young—30.

The nays were, Senators Clarkson and Henderson—2.

Leave of absence was granted to Senator Brayton:

Absent without excuse, Senators Gray, Gue, and McCrary of Lee.

The Senate concurred.

Senate File No. 97: A Bill for an Act requiring reports from Clerks of the Board of Supervisors, in this State concerning School Lands, was taken up.

On the question shall the Senate concur in the House amendments?

The yeas were, Senators Bassett, Brunson, Boardman, Brown, Cutler, Crookham, Clark, Cutts, Foote, Flaugh, Gue, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen and Wharton—32.

The nays were, Senators Clarkson, Dixon, Hart, Udell and Young—5.

Absent without excuse—Senators Burdick, Bridges and Gray.

The Senate concurred.

Senate File No. 124: A Bill for an Act to amend Sub Division 5 of Section 663 of the Revision of 1860, was taken up.

The question being shall the Senate concur in the House amendment?

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson, and Young—36.

The nays were, Senators Brown, Clarkson and Hillyer—3.

Absent without excuse—Senators Bridges and Gray.

The Senate concurred.

House File No. 127: A Bill for an Act providing for the forma-

tion of the 12th Judicial District and fixing the times for holding courts therein, was taken up.

On motion of Senator Patterson the bill was made the special order for Friday, March 25th, at 2 o'clock, P. M.

House File No. 113: A Bill for an Act to amend Chapter 102 of the Acts of the Regular Session of the Ninth General Assembly, in reference to estrays, was taken up.

On motion of Senator Burkick the bill was laid on the table.

The joint resolution relating to sanitary affairs was taken up, and adopted.

By consent, Senator McCrary, of Lee, called up House File No. 47: A Bill for an Act granting the right of way to open and drain "coal mines."

On motion the 11th rule was suspended and the Bill read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Boardman, Brown, Bridges, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Wharton, Woolson and Young—36.

The nays were, none.

Absent without excuse—Senators Burdick, Clarkson, Gray, Roberts, and Udell.

Bill passed and title agreed to.

By consent, Senator Foote from Committee on Ways and Means introduced Senate File No. 237: A Bill for an Act to provide for a settlement of claims of the State against Winterbotham & Jones.

The Bill was read a first and second time, and on motion the Bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Boardman, Brown, Bridges, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, Woolson, and Young—37.

The nays were, Senator Clarkson—1.

Absent without excuse, Senators Burdick and Gray.

Bill passed and title agreed to.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has concurred in the following concurrent resolutions:

Resolved, by the Senate (the House concurring,) That both Houses meet in Joint Convention on Wednesday evening next at 7 o'clock to elect a Superintendent of Public Instruction for the term of

two years, and five Trustees for the Agricultural College; and adopted the following concurrent resolution:

Resolved, By the House of Representatives, (the Senate concurring,) That the several clergymen officiating as Chaplains of the Tenth General Assembly, shall each be entitled to a bound copy of the first volume "Legislative Documents" of this session.

In which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

By consent, Senator Gue submitted the following report:

The Special Committee to whom was referred a Resolution inquiring into the necessity of providing for the erection of an Orphan Asylum, have carefully considered the whole subject, and submit the following report as the result of their deliberations:

We learn that there is already in existence a voluntary organization known as "The Iowa State Orphan Asylum," having for its object the erection of an institution which shall be a home for the orphan children of the State, where they can be supported and educated free of expense. This Association has organized under the Incorporation Law, and elected its officers and trustees for the ensuing year.

The officers of the Association consist of a President and six Vice Presidents, being one from each Congressional District, a Recording Secretary, a Corresponding Secretary, a Treasurer, and a Board of twelve Trustees, two of which shall be taken from each Congressional District — all officers holding for one year. For further particulars we would refer the members of the General Assembly to the Articles of Incorporation filed in the office of the Secretary of State.

It is proposed by this Association to provide for the wants of the orphans immediately by renting a suitable building to be used temporarily as an Orphan Asylum until means can be raised to erect permanent buildings.

It is estimated that the cost of supporting two hundred inmates, employing the necessary superintendents, teachers, help, &c., will be near \$15,000 per year. It is believed by the friends of the Institution that \$150,000 can be raised by voluntary contribution in the State, through means of agents appointed in each county, and sub-agents in each township, who shall visit every family in the State and solicit subscription for this benevolent purpose.

It is proposed that agents be sent into the army to give the soldiers a chance to contribute their share towards the good work, and by this means it is thought that \$25,000 can be raised.

It is estimated that \$15,000 more can be raised by Aid Societies, religious organizations, Odd Fellows, Masons, and other benevolent societies, in contributions and life membership.

Of the sum total, \$175,000, proposed to be raised, a part is to be set aside or invested in interest paying bonds or stock for the permanent endowment fund of the Institution—the remainder to

be expended in erecting suitable buildings, buying grounds, and improving, furnishing, &c.

It is desirable that the State should recognize and aid the Asylum, by electing a part of the Trustees and making an annual appropriation of \$5,000 or more, for the yearly support.

This is the plan proposed and partially put in execution by the Trustees of the Association. They earnestly desire that the General Assembly will render them such assistance as can be consistently granted. While some of the members of your committee would have preferred that the State should have taken entire control of the matter, and have raised the necessary funds by a direct tax upon the property of the State, as has been done in the erection of Asylums for the Insane and Blind, we are not prepared to say now that the State should interfere with the plans, or attempt to supplant this Association, which has organized and begun the work in advance of any action by the State.

As to the necessity of making some provision for the education and support of the orphan children left among us in consequence of this war, which has desolated so many homes, we have no doubt. While many children will have surviving friends to protect, care for, and support them, there will be many others, less fortunate who must be treated as paupers, unless the State or some benevolent association shall provide for them.

We believe it to be a solemn duty of the State to provide a home for these children, whose fathers have given their lives for our safety, and in defense of the Government, and not leave them to find an asylum in the poor-house, or, as paupers, to be bound out to any person who may desire their services, and who may be actuated by no better motive than the procuring of help at the smallest cost.

Justice to our brave dead, demands at our hands that we shall at once provide a home for their orphan children, where kind hands, and warm hearts shall care for their wants, and by a judicious system of instruction in some useful employment, and in the common branches of education, they may be prepared for a future life of usefulness.

Believing the organization already alluded to, one in which we may safely repose confidence, your committee would recommend that an annual appropriation of \$5,000 be made to assist in the support of the Institution. We herewith report a bill for that purpose and recommend its passage.

B. F. GUE,

Chairman Special Committee on Orphan Asylum.

Also, Senate File No. 240: A Bill for an Act for the benefit of the orphan children of deceased Iowa soldiers, and for other purposes.

By consent, Senator Gue submitted the following report:

The Committee on Senatorial Apportionment have prepared the

accompanying Bill fixing the Senatorial Districts of the State, and recommend its passage.

Also, Senate File 239: A Bill for an Act to apportion the State into Senatorial Districts.

By Senator Bassett, Senate File No. 238: A Bill for an Act to carry out the will of Capt. George Guchunk, late of the Union army.

The Bill was read a first and second time and referred to the Judiciary Committee.

On motion of Senator Udell the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock P. M.

By consent the following reports of Committees were submitted:

By Senator Ross, from Special Committee, the following:

The Special Committee to whom was referred Senate File No. 107, have had the same under consideration, and have instructed me to report the following substitute and recommend its passage.

L. W. ROSS, Chairman.

By Senator Hillyer, from Committee on Roads the following:

MR. PRESIDENT:—Your Committee to whom referred House Substitute for Senate File No. 37, have instructed me to report the same back and recommend its passage.

L. F. HILLYER, Chairman.

House Substitute for Senate File No. 37: A Bill for an Act to amend Section 5, Chapter 163, of the 9th General Assembly, and fix the per diem of Road Supervisors, was taken up.

On the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flauth, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Udell Wharton, Woolson and Young—40.

The nays were, Senator Hilsinger—1.

Absent without excuse—Senators Gray, Hunt and Shippen.

Bill passed and title agreed to.

Special order Senate File No. 106: A Bill for an Act to provide for the purchase of the building used as a Capitol and the lots on which the same is situated, and to secure the School Fund and for other purposes, was taken up.

The President presented the following communication from the Governor:

EXECUTIVE OFFICE, March 22, 1864.

Gentlemen of the Senate:

I herewith transmit to your honorable body a statement by John G. Weeks, Esq., containing an estimate of the present value of the property mortgaged by members of the Capitol Building Association, to secure money borrowed from the School Fund, together with a communication from the Attorney General reviewing in part the abstracts of titles submitted to the Senate.

Appreciating the importance of the subject to the State, and the desire of Senators to fully understand the facts before final action is had upon it, I have endeavored to obtain as clear and full a summary of the complicated liens and titles, as I could within the brief period which has elapsed since the abstracts of title were completed.

W. M. STONE.

Des Moines, March 22, 1864.

His Excellency, Wm. M. Stone, Des Moines, Iowa:

DEAR SIR:—My attention having been called to the report of the Committee on Schools and Universities, as found in the Appendix to Senate Journal, Ninth General Assembly, I would state that I have carefully examined the same, in connection with an examination of title recently made by me of the property therein described (so far as the same is found in Polk county) and find that said report is in substance correct.

I have also reviewed the estimated value of the securities, as found on page 607, and herewith submit my own estimate of the same, which is as follows, to-wit:

J. A. Williamson,.....	\$ 650 00
W. A. Scott,.....	5,500 00
J. D. Cavenor,.....	4,750 00
J. M. & H. H. Griffiths,.....	3,400 00
Alexander Shaw,.....	2,500 00
T. K. Brooks,.....	1,000 00
	<hr/>
	\$17,800 00

It will be seen that the greatest variation from the report of the Committee is in the Cavenor mortgage, as I estimate the land in said mortgage higher than the estimate of the Committee. My estimate, however, is not made from actual knowledge of the particular premises mortgaged, but from a general knowledge of the value of land.

I would remark further, that the above sum of \$17,800.00 must necessarily be diminished by the amount of taxes, interest and redemption which have accrued upon said lands and lots since the execution of the mortgages.

Very respectfully,

JOHN G. WEEKS.

OFFICE OF ATTORNEY GENERAL, |
March 22d, 1864 |

GOVERNOR Wm. M. STONE:

At your request I have made such an examination of the abstracts prepared by Messrs. Weeks & Foster as the limited time allowed would permit, and reviewed the memoranda before handed to you in relation to the particular titles about which there has been a question made.

I understand that the questions in regard to the value of the mortgage liens of the State arise upon the condition of the title to the property mortgaged to the Superintendent of Public Instruction by J. A. Williamson and wife and Alexander Shaw and wife.

There is no material difficulty about the title or lien upon the other property except the liens for taxes and tax titles supposed to be acquired by third persons.

The abstracts show that nearly all the mortgaged property has been sold for taxes, and particularly the property of Williamson and that of Shaw has been sold for considerable sums of money. Nearly all of these tax sales, however, appear to have been made subsequent to the taking effect of an act of the General Assembly approved April 2d, 1860—see Sections 810 and 811 of the Revision of 1860.

By the provisions of the latter Section referred to the purchaser at the tax sale acquired nothing that can affect the lien or interest of the State in the property, but took only the interest of the mortgagor, to-wit: the fee in the property subject to mortgage to the School Fund, and a right to pay off the mortgage or redeem from the State. Upon a foreclosure of the mortgage these purchasers should be made parties as subsequent purchasers, and upon failure on their part to pay off the mortgage their equity of redemption might be forever cut off by a decree of the Court.

Many of these taxes, however, were assessed prior to the passage of the law of 1860, and are city, county, and special taxes, assessed under the statutes making the tax a lien of the entire estate. Whilst the act of 1860 takes away, I think, the right to enforce such a lien as against the mortgage lien of the School Fund it may be questionable as to whether or not a purchase under a foreclosure of the mortgage would take a perfect title as against taxes assessed prior to the act of 1860, when no sale for taxes has taken place. There is at least sufficient doubt upon this question to seriously embarrass any sale under a foreclosure of the mortgage, and one which would no doubt prevent the State from realizing the fair cash value of the property.

I have no means of estimating the value of these mortgages, or the property upon which they are liens, as I am not well acquainted with the location of the lots and lands I have never seen, and whether improved or not I am not advised.

I find also in the abstracts submitted to you that the interest of

several of the members of the Capitol Building Association in the stock and building has been sold on execution. I understand the bill before the Senate proposes to guard the interests of the State in case a purchase is decided upon by providing for a perfect title before any arrangement shall take effect, and contemplates the removal of these clouds upon the title to the building now used by the State. This is prudent and necessary, and supersedes the necessity of any examination at present of that subject.

As to the property mortgaged by J. A. Williamson, the most valuable portion of it, to-wit: Lots 1, 2, 3 and 4, in block 3, and lot 4 in block 6, in Scott's addition to Des Moines, was deeded to Williamson by W. A. Scott and wife, by a defective description, and was mortgaged to Andrew J. Stevens by the same description prior to the mortgage held by the State. This prior mortgage was foreclosed, and the property sold, on special execution, to T. K. Brooks, for \$3,577-92-100.

Lots 7 in block 18, East Fort Des Moines, and 20 feet off west end of 11 and 12, Griffiths' Addition, are in the same situation.

The other property mortgaged by Williamson, there is no difficulty about, I believe, except the taxes and tax sales, as above.

Upon Alexander Shaw's property, the State has the first mortgage lien, and the difficulty exists in the defective description by which the most valuable portion of it, to-wit: that in Scott's Addition to "Demoine" was conveyed to him and by which he mortgaged it to the Superintendent of Public Instruction. Shaw afterwards mortgaged it to J. A. Williamson by a correct description, and the assignees of Williamson's mortgage have foreclosed this mortgage and bought it in by a correct description.

The question is, however, whether or not all of these purchasers from mortgages under Shaw, have not notice of the mistake by the existence of the same error in the only title ever of record made to Shaw. This mistake, if ever corrected, must be corrected in favor of the purchasers under the mortgage executed subsequent to the mortgage given to the School Fund, and it is questionable whether a Court of Equity would correct the original deed in favor of such purchasers, and at the same time ignore the prior equities accruing to the State under its first mortgage.

By an examination of these titles generally, it will further be seen that in platting the various additions in which these lots are situated, the law has not been complied with strictly in any instance, and the surveyor has failed to locate the plat except as part of a section of land. I do not doubt that these errors and defects might, with proper care and labor, be corrected, however, and the titles made good, but the foreclosure of these mortgages must be attended with much delay and expense.

The small piece of land in abstract No. 1298 is surveyed to Shaw by J. A. Williamson, and mortgaged by Shaw to the Superintendent of Public Instruction by an erroneous description, but this may be

corrected without much difficulty, as no subsequent mortgages or sales of it intervene between the right of the State, and the original grantor to Shaw is still living.

Very respectfully submitted,

CHARLES C. NOURSE.

Senator Ross withdrew his amendment, and submitted the following:

Add to Section 1: "*Provided*, That the mortgage executed by W. A. Scott and Luesa Scott, dated June 27th, 1856, to James D. Eads, Superintendent of Public Instruction in and for the State of Iowa, to secure the payment of the sum of \$8,300, filed for record December 8th, 1856, in Book "B," pp. 205-6, together with the note of even date with said mortgage and referred to therein, as made by W. A. Scott and James A. Williamson, for the sum of \$8,300, shall not be assigned by the Governor and Auditor, but the same shall remain the property of the State, and shall be foreclosed by suit in the name and for the use of the State. *Provided, further*, That the sale of Block four in W. A. Scott's addition to Des Moines upon special execution issued upon any such judgment of foreclosure, shall operate as a full satisfaction of the claim of the State to said note and mortgage, or to any judgment rendered thereon, and after such foreclosure and sale, the remaining interest of the State in said note and mortgage and to the judgment shall be assigned by the Governor and Auditor of State, as provided in this Act."

The amendment was adopted.

Senator Clarkson moved that the Bill be indefinitely postponed, and on this question the yeas and nays were demanded, and were as follows:

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Clarkson, Clark, Cutts, Gue, Hart, Henderson, Hilsinger, Knoll, King, Patterson, Wharton, and Young—18.

The nays were, Senators Brown, Bridges, Cutler, Crookham, Dixon, Foote, Flauth, Hogin, Hurley, Hillyer, Hesser, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Roberts, Saunders, Stubbs, Udell, and Woolson—24.

Absent without excuse—Senators Gray, Hunt, and Shippen.

The motion to indefinitely postpone was lost.

On motion of Senator King, a call of the House was made, and Senators Hunt, Gray and Bassett were found absent.

A motion of Senator Young that further proceedings under the call be dispensed with, was lost.

Senators Gray and Hunt appearing, on motion of Senator Udell further proceedings under the call were dispensed with.

The Bill was read a third time, and on the question "Shall the Bill pass?"

The yeas were, Senators Brown, Bridges, Cutler, Crookham, Foote, Flauth, Gray, Hogin, Hurley, Hillyer, Hesser, Hatch, Mc-

Junkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Woolson—25.

The nays were, Senators Bassett, Burdick, Brunson, Boardman, Clarkson, Clark, Cutts, Dixon, Gue, Hart, Henderson, Hunt, Hilsinger, Knoll, King, Patterson, Wharton and Young—18.

Bill passed and title agreed to.

By consent, Senator Gue, from Committee on Senatorial Apportionment, submitted the following report:

The Committee on Senatorial Apportionment to whom was referred House File No. 96: A Bill for an Act to apportion the State into Representative Districts, have had the same under consideration, and having made the following amendments would recommend its passage as amended.

In Section 1, eighth paragraph, amend by striking out the word "two," and insert "three."

In the forty-eighth paragraph, strike out the word "one," and insert "two."

In the forty-seventh paragraph, strike out the word "two," and insert "three."

And strike out all of that part of the Bill providing for the canvassing of votes.

In paragraph sixty-one strike out Clay and Buena Vista and insert Palo Alto and Emmett.

In paragraph fifty-eight strike out Palo Alto and Emmett and insert Buena Vista and Clay.

Strike out of Section 1 "8500," as the ratio of apportionment, and insert "8450."

B. F. GUE, Chairman.

Senator Roberts, on behalf of Senator Brayton, from Special Committee, submitted the following report:

MR. PRESIDENT:—The Special Committee to whom was referred Senate File No. 79, have had the same under consideration and instructed me to report the following substitute and recommend its passage.

J. M. BRAYTON, Chairman.

Senator Foote presented the claim of Weeks & Foster on account of services in furnishing abstracts of title to Capitol building.

Referred to Committee on Claims.

On motion of Senator Cutts, a call of the Senate was made and Senators Brown and Foote were found absent. The Senators appearing further proceedings under the call were dispensed with.

Senate File No. 210: A Bill for an Act relating to the offices of Recorder and Treasurer, and providing for their separation, was taken up.

The Bill was read a third time, and on the question "Shall the Bill pass?"

The yeas were, Senators Burdick, Brunson, Boardman, Brown,

Cutler, Crookham, Clark, Cutts, Dixon, Foote, Flauth, Gue, Henderson, Hillyer, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McMillan, Patterson, Ross, Roberts, Saunders, Stubbs, Wharton, Woolson and Young—29.

The nays were, Senators Bassett, Bridges, Clarkson, Gray, Hart, Hogin, Hurley, Hesser, McCrary of Lee, McCrary of Van Buren, Moore and Parvin—12.

Bill passed and title agreed to.

Senate File No. 208: A Bill for an Act to provide for the publication of the laws of a general nature passed by the 10th General Assembly in certain German newspapers, and for the translation thereof, was taken up.

On motion of Senator Knoll the blank was filled with the name of Theodore Guelich. The bill was read a third time.

On the question “Shall the bill pass?”

The yeas were, Senators Bassett, Burdick, Brunson, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Gray, Gue, Hart, Henderson, Hogiu, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Patterson, Roberts, Saunders, and Stubbs—30.

The nays were, Senators Boardman, Brown, Bridges, Flauth, Moore, Parvin, Udell and Wharton—9.

Absent without excuse—Senators Clark, Ross, Woolson and Young.

Bill passed and title agreed to.

Special order Senate File No. 177, on motion of Senator Hilsinger, was postponed until to-morrow, at 9½ o'clock, A. M.

On motion of Senator Stubbs the Senate adjourned.

SENATE CHAMBER,
Des Moines, Iowa, March 23d, 1864.

The Senate convened at 9 o'clock A. M., the President in the chair.

Prayer was offered by the Rev. J. A. Nash.

Journal of yesterday read and approved.

The hour having arrived for the consideration of special order Senate File No. 177: A Bill for an Act to accept a conveyance of lands made to the State of Iowa, for the benefit of her grantees, by the Cedar Rapids & Missouri River Railroad Company, to remit the forfeitures and penalties incurred by said Company, and to extend the time for building their road and for other purposes.

The special order was postponed until 11½ o'clock, A. M.

Senator Parvin submitted the following report:

The Committee on Enrolled Bills have examined Senate File No. 108: "An Act providing for the erection of an Arsenal Building."

Also Senate File No. 124: "An Act to amend subdivision 5, of Section 663, of the Revision of 1860."

Also Senate File No. 20: "An Act to amend Section 432, Chapter 29, of the Revision of 1860."

Also Senate File No. 195: "An Act for the improvement of the State Penitentiary," and find the same correctly enrolled.

Senator Clarkson submitted the following resolution:

WHEREAS, The Senate on the 21st day of March, 1864, passed a bill for the relief of the wives and children of our soldiers, and on the 22d day of said month Senators Woolson, Young, King, Bridges, Burdick and Wharton offered a protest to the passage of said bill, which has been entered upon the journal of the Senate.

AND WHEREAS, Said protest is not respectful to the President of the Senate.

2d. It is insulting to Senators.

3d. It is undignified towards officers of the law in the State.

4th. It is untrue in facts and conclusions.

5th. It gives aid and comfort to the disloyal.

6th. It is unbecoming in language.

7th. It is unpatriotic in spirit.

1st. It is disrespectful to the President, in its Jesuitical stab at him, in saying "that it was *held* by the *Chair* to be an amendment to an amendment, and therefore not subject to further amendment." If they did not intend it in this light, why did they not say it was an amendment to an amendment, and not 'say the Chair held so? If they did not intend it as a secret slur upon his parliamentary reputation to go upon the records of the country, why did they not do as manly Senators, and charge openly that they were prevented by the erroneous ruling of the President, from making the desired amendments?

Then they charge that it was the *Chair*, not the President of the Senate, who had ruled erroneously. Instead of calling him by his rightful title, they use the low flung slang of calling him a *Chair*, a mere instrument of every day use—and one too, upon which man's most dishonorable part is placed. The language is disrespectful, unparliamentary and unbecoming Senators.

2d. It is insulting to Senators on this floor, as the whole spirit of the protest arrogates to those who sign it, as embodying all patriotism and wisdom that is congregated in this branch of General Assembly. It charges the large majority of this Sen who passed the bill for the relief of the wives and children of the soldiers, with framing a law that "reduces the objects of its beneficence to that class who, by their vices, are reduced to a state of destitution." And again, that by this law we place the wives and children of our soldiers "in the same category of the vicious poor

who are submitting to a just punishment for their evil conduct. What more insulting language could they use towards Senators than this?

3d. It is undignified towards the officers of the law in the State, in that it charges that the fund raised by this law "will merely be used by the Board of Supervisors to favor their own families," and that they "will cast every stigma and insult, even to permit suffering for the necessities of life," making the assessor "an inquisitor who may inquire," &c., and various other disrespectful allusions to county officers.

4th. Its statements are untrue. Under this specification, it is well to remark that it is probable that some honorable Senators signed that protest without investigation, but at the same time without any intention of wrong, but were led into it by the wiles of some legal gentlemen.

But the protest is untrue in saying that the bill provides "*no direction for the disbursement of the money raised*, except some general terms liable to abuse," and that the administration thereof will not be uniform.

It is untrue in that it avers "that this bill PERMITS counties to provide for necessitous families *only*.

It violates one of the most important of the ten commandments in saying that this bill "brands all who consent to receive the pittance doled out to them as objects of charity," and that the relief is bestowed because they are poor and needy.

There is no evidence of the truth of the statement that "in many of the counties ten mills are now levied for the relief of the soldier's wives and children.

Nor is it true that two mills "will not be any where sufficient to provide for only such families as may be in absolute want." On the contrary two mills in some counties will raise a fund that will pay liberally to all.

It is insultingly untrue, in the highest degree, in saying that it reduces the objects of its beneficence to that class who by their vices are reduced to a state of destitution.

It is untrue in fact, mean in spirit, and insulting in language, in saying that it (the law) places the wives and children of our soldiers in the same category of the *vicious poor* who are submitting to a just punishment for their evil conduct.

It is a statement that cannot be sustained, that this bill "will surely be used by the Board (meaning Board of Supervisors) to favor their own families."

It is a statement unjustifiable by the facts that this bill gives "Assessors an opportunity to insult these worthy women."

It is bold and indefensible statements, that the passage of the bill "will delight the peace-loving officials, aggravate the suffering, embitter the lonely, and render more poignant the grief of the wives and children."

5th. It gives aid and comfort to the disloyal. Through this protest they obtain clubs, and suggestions, and almost license to carry on their opposition to our Government. Six pretended loyal Senators inform disloyal Assessors that by this law "they may insult soldiers wives and children;" and that it gives the Assessor an opportunity to taunt them that their poverty is a just judgment for their support of the war, and that the county now pays them for their patriotic sacrifices, by making paupers of them.

This, with other quotations that could be made from this protest, clearly lays down the programme by which the disloyal can carry out their opposition to our Government and laws.

6th. It is unbecoming in language that should characterize a grave State paper, and savors more of the character and language of a stump speech of a demagogue. It indulges in such expressions as devilish "propensities," "vicious poor," "by their vices reduced to destitution," in referring to our unfortunate poor; "nefarious practices," "peace-loving officials," and "used up by political favorites," referring to public officers.

7th. The protest is unpatriotic. After doing all they could to defeat the only bill that could possibly pass at this session of the General Assembly, they now attempt to make the bill and its supporters odious, by taunts and sneers, to induce noble women and their offspring from accepting the proffered bounty; by issuing instructions to the disobedient, how they would evade and pervert the law, degrading the State by using unbecoming language in its public documents, bringing its law makers into disrepute, derogating from the character of its presiding officers—all unbecoming Senators of the State of Iowa.

AND WHEREAS, This said protest is not respectful to the President, insulting to Senators, undignified to officers of the law in the State, untrue, disloyal, unbecoming in language, unpatriotic in spirit, unsound in reasoning, and ungentlemanly in courtesy.

AND WHEREAS, It is of no use on the Journal, except to degrade in the eyes of the world, and the estimation of posterity, a large majority of this Senate, and to injure in the opinion of all gentlemen of learning and letters, the authors thereof; therefore,

Resolved, That all after the first five lines, ending with the word "States," of the protest of Senators Woolson, Young, King, Burdick, Bridges, and Wharton, to the passage of the bill for the relief of the wives, and children of our soldiers be, and the same is expunged from the Journal of this Senate.

Senator Henderson moved that the resolution be indefinitely postponed.

Senator Dixon offered the following resolution as a substitute:

Resolved, That the Senators who voted against the bill providing for the relief of families of volunteers, and had their protest entered on the Journal, are hereby authorized and requested to

make such correction of such protest as they may wish to make, and report the same to the Senate to-morrow morning.

The resolution was not adopted.

On Senator Henderson's motion to indefinitely postpone, the yeas and nays being demanded,

The yeas were, Senators Boardmaa, Brown, Crookham, Cutts, Dixon, Gray, Gue, Henderson, Hillyer, Hesser, Hunt, Hilsinger, Knoll, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Ross, Stubbs, Shippen, and Udell—21.

The nays were, Senators Bassett, Burdick, Brunson, Bridges, Cutler, Foote, Flauth, Hart, Hogin, Hurley, Hatch, King, Patterson, Parvin, Roberts, Saunders, Woolson, and Young—18.

Absent without excuse—Senator Clark.

The motion to indefinitely postpone was adopted.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following Bills:

House Substitute for Senate File No. 60: A Bill for an Act to amend Chapter 172 of the Laws of the Ninth General Assembly passed April 8th, 1862, entitled "an Act to amend and consolidate an Act passed by the Board of Education, December 24th, 1859, entitled an Act to amend an Act entitled an Act to provide a system of common schools," and the amendments thereto.

Also, House File No. 169: A Bill for an Act directing the distribution of the Adjutant General's and Supreme Court Reports and making an appropriation to defray the expenses of such distribution.

Also, House File No. 147: A Bill for an Act to amend Section 2 of Chapter 15 of the Acts of the regular session of the Ninth General Assembly.

Also, Senate Substitute for House File No. 11: A Bill for an Act to repeal Chapter 11 of the Acts of the Extra Session of the Eighth General Assembly entitled "an Act for the relief of volunteers who have been or may be mustered into the service of the United States Government."

Also, Senate File No. 158: A Bill for an Act making an appropriation for a new building for Iowa University.

Also, Senate File No. 96: A Bill for an Act supplemental and amendatory to Chapter 58 of the Revision of 1860, without amendment.

Also, Substitute for Senate File No. 54: A Bill for an Act to locate the Executive office and provide for official records and to fix the Governor's salary.

Also, the House has concurred in Senate amendments to House File No. 86: A Bill for an Act providing for recording U. S. Revenue Stamps attached to instruments of writing; and rejected

Senate File No. 199: A Bill for an Act to amend Section 1041 of the Revision of 1860.

JACOB RICH,

Chief Clerk House Representatives.

By consent, House File No. 112—a Bill for an Act granting to certain railroad companies an extension of time for completing their roads, upon the performance of certain conditions, and for the forfeiture of rights and lands in certain cases—was taken up, and the Bill was read a first and second time.

Senator Woolson moved that the Senate go into Committee of the Whole in consideration of Senate File No. 177 and House File No. 112.

The motion was lost.

Senator Henderson moved that House File No. 112 be referred to the Committee on Railroads.

The motion was lost.

Senator Cutler moved that House File No. 112 be indefinitely postponed.

The motion was lost.

Senator Foote offered the following Joint Resolution:

Resolved by the Senate, (the House concurring,) That the joint meeting of the two houses for the election of Superintendent of Public Instruction, Trustees of the State University and Trustees of Agricultural College, be postponed from Wednesday evening to Saturday evening, March 26th, at 7 o'clock.

The resolution was adopted.

REPORTS OF COMMITTEES.

By Senator McCrary of Lee:

MR. PRESIDENT:—The Committee on Judiciary have instructed me to make the following report:

1st. Your Committee have had under consideration substitute for House File Nos. 25 and 15: “An Act further providing for the election of certain officers for the filling of vacancies,” and have instructed me to report the same back, and recommend its passage.

2d. Your Committee have also had under consideration Senate File No. 213: An Act in relation to causes appealed from a Justice of the Peace to the District Court,” and have instructed me to report the same back, and recommend its indefinite postponement.

3d. Your Committee have also had under consideration Senate File No. 207: A Bill for an Act to amend Section 190 of the Revision of 1860, and have instructed me to report the accompanying substitute, and recommend its passage.

4th. Your Committee have also had under consideration House File No. 165: A Bill for an Act to amend Section 4,374, of Chapter 173, of the Revision of 1860, and have instructed me to report the same back, and recommend its passage.

5th. Your Committee have also had under consideration House File No. 162: A Bill for an Act entitled an Act to legalize the levy and collection of certain taxes within the corporate limits of Sioux City, and have instructed me to report the same back to the Senate and recommend its passage.

6th. Your Committee have also had under consideration Senate File No. 238: A Bill for an Act to carry out the will of Capt. George Grunchunk, late a Captain in the Union army, and have instructed me to report the same back, and recommend its passage.

All of which is respectfully submitted.

GEO. W. McCRARY,

Chairman of Committee.

By Senator Henderson:

The Judiciary Committee have had Senate File No. 233, A Bill for "An Act to provide for appointment of judges of the district court in certain cases," under consideration, and directed me to report, that while they deem the act as well calculated to provide a much needed remedy, yet the constitutionality of the measure is very doubtful, at least; and they therefore recommend that said bill be referred to the Committee on Constitutional Amendments, with instructions to consider the propriety of so amending the Constitution as to authorize legislation on the subject.

By Senator McJunkin:

Your Committee on Incorporations, to whom was referred Substitute for House File No. 152, entitled "A Bill for an Act to enable incorporated towns and cities to hold, improve, and dispose of lands for public squares, parks, commons and cemeteries," have had the same under consideration and have instructed me to report the same back, and recommend its passage.

Senator Saunders offered Joint Resolution relative to the distribution of certain books now in the hands of the Secretary of State.

Senator Stubbs moved that the Senate adjourn.

The motion was lost.

Senator Dixon moved to amend the resolution by inserting after the word "distribute," the words, "and through the members of the General Assembly as far as practicable."

The amendment was not adopted.

On motion, the resolution was adopted.

On motion of Senator Stubbs, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

By consent, the following reports of Committees were submitted.

By Senator Bassett:

The Special Committee, to whom was referred Senate File No. 141, having had the same under consideration, report the accompanying substitute and recommend its passage.

By Senator Crookham:

To the Senate:—The Judicial Committee, to whom was referred Senate File No. 232 : A Bill to prevent disturbance and drunkenness on election days, beg leave to make the following report :

That they have carefully examined said bill, and a majority of your committee report in favor of said bill and recommend the passage of the same.

By Senator Patterson :

Your Committee on Township and County Organization have had under consideration House File No. 156 : A Bill for an Act to change the name of counties, and recommend its passage.

By Senator Cutts :

The Special Committee to whom was referred Senate File No. 148, being “A bill for an Act to amend Chapter 173 of the Laws of the Ninth General Assembly,” have had the same under consideration, and recommend that sections one and two of the bill, excepting the enacting clause, be stricken out, and as so amended, your committee recommend the passage of the bill.

On motion of Senator McCrary, of Lee, the Senate went into Committee of the Whole in consideration of Special Order, Substitute for Senate File No. 177 and House File No. 112.

Senator Woolson in the chair.

The Committee rose at 5 o'clock, reported progress, and asked leave to sit again. Leave was granted.

Senator Parvin submitted the following report:

The Committee on Enrolled Bills presented, on the 22d inst., to his Excellency the Governor, for his signature, Senate File Nos. 89, 139, 77, 131, 101, 123 and 239 ; also, on the 23d inst., Senate File Nos. 108, 195, 124 and 20.

On motion of Senator Woolson the bills under consideration of the Senate when in Committee of the Whole, were made the special order for to-morrow, directly after the reading of the journal.

Received, the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has concurred in the Senate Resolution postponing the election of Superintendent of Public Instruction and Trustees of Agricultural College from Wednesday evening to Saturday evening, March 26th, at 7 o'clock.

JACOB RICH, Chief Clerk.

By consent, Senator Roberts called up substitute for Senate File Nos. 154 and 161, being Senate File No. 198 ; A Bill for an Act

to authorize the construction of Railroad bridges across the Mississippi and Missouri rivers.

On motion of Senator Henderson the bill was referred to a Special Committee consisting of Senators Jennings, McOrary of Lee, Saunders, Hunt, Ross and Foote.

Senator Boardman called up House substitute for Senate File No. 60: A Bill for an Act to amend Chapter 172 of the Acts of the Ninth General Assembly, passed April, 1862, entitled "an Act to amend and consolidate an Act passed by the Board of Education Dec. 24th, 1859, entitled an Act to amend an Act entitled an Act to provide a system of Common Schools, and for other purposes."

The bill was referred to Committee on Schools.

On motion the Senate adjourned.

SENATE CHAMBER,
Des Moines, March 24th, 1864. }

The Senate convened at 9 o'clock, A. M.

The President in the Chair.

Prayer was offered by the Rev. Mr. Chamberlain.

Journal of yesterday read and approved.

On motion of Senator Crookham special order Senate File No. 232: A Bill for an Act to prevent disturbance and drunkenness on all election days, was taken up, and made the special order for Saturday, March 26th, at 9 $\frac{1}{2}$ o'clock.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Honorable Senate that the House has adopted the accompanying "Joint Resolution congratulating Louisiana on her reorganization as a free State," in which the concurrence of the Senate is respectfully asked.

And has concurred in the joint resolution relative to the distribution of certain books now in the hands of the Secretary of State.

The House has also passed the following bills:

House File No. 173: "A Bill for an Act to amend Section 2,023, Chapter 88, of the Revision of 1860."

Substitute for House File No. 84: "A Bill for an Act granting to the Cedar Rapids & Missouri River Railroad Company the right to construct and operate their road over the streets of the cities of Lyons and Clinton," in which the concurrence of the Senate is respectfully asked.

Also Senate File No. 163: "A Bill for an Act to organize and discipline the militia," without amendment.

And has indefinitely postponed Senate File No. 144: "A Bill for an Act to repeal Section 2,624 of the Revision of 1860, in rela-

tion to the time of holding the terms of the Supreme Court, and to provide a substitute therefor."

JACOB RICH, Chief Clerk.

On motion of Senator Dixon the Senate went into Committee of the Whole to consider Senate File No. 177 and House File No. 112.

The Committee arose at 12 o'clock, M., reported progress, and asked leave to sit again at 2 o'clock, P. M.

The Senate refused to grant leave.

Senator Burdick submitted the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred House File No. 125: An Act defining the duties of County Surveyors, have had the same under consideration, and have instructed me to report that while they deem legislation upon the subject matter of the bill necessary, yet it would require considerable time and attention to draw a bill which would be satisfactory to the Committee, and they deem it inexpedient at this late day in the session to undertake it. In the opinion of your Committee the bill under consideration is very imperfect in its construction, and would be impracticable in its operation, and they recommend the indefinite postponement of the bill.

On House File No. 109: "A Bill for an Act to repeal Chapter 160 of the Acts of the Ninth General Assembly," they report that they have had the same under consideration, and find the same well drawn and carefully guarded, and they are willing that it should pass provided it is desired by persons who are interested in swamp lands.

Senator Patterson submitted the following report:

Your Committee on Township and County Organization have had under consideration the petition of Wm. Leggett and seven others, praying for the disorganization of certain counties in this State; and your committee are of the opinion that legislation is very much needed on that subject, but that the session was, at the time the subject came before your committee, so near a close that it is impracticable to do anything on the subject at the present session of the General Assembly.

Your committee have also had under consideration the petition of I. W. Card and others, asking that counties be authorized to purchase tax lands when they can not be otherwise sold, and make the same report as above.

Also, report back the following petitions and memorials, which are upon subjects that have been acted on.

By Senator Parvin:

The Committee on Enrolled Bills have examined Senate File No. 97: "An Act requiring reports from the several Boards of Supervisors in this State, concerning School Lands."

Also, Senate File No. 96: "An Act supplemental and amendatory to Chapter 58 of the Revision of 1860."

Also, Senate File No. 158: "An Act making an appropriation for a new building for the State University."

Also, House File No. 81: "An Act providing for the recording of United States Revenue Stamps attached to written instruments."

Also, "Joint Resolution relating to sanitary affairs;" and find the same correctly enrolled.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following bills:

Substitute for House File Nos. 102 and 150: "A Bill for an Act in relation to Life and Fire Insurance Companies."

Also, House File No. 159: "A Bill for an Act supplemental to Chapter 175 of the Revision of 1860—offenses against the public peace."

Also, House File No. 116: "A Bill for an Act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue."

Also, Substitute for House File Nos. 130 and 153 and Senate File No. 69: "A Bill for an Act to amend sections 1704, 1707, 1708, 1741, and 1742, of the Revision of 1860, in relation to Agricultural Farm."

In which the concurrence of the Senate is respectfully asked.

Also, Senate File No. 142: A Bill for an Act to facilitate the construction and operation of railroads in the State of Iowa, with amendment to Section 2.

In all of which the concurrence of the Senate is respectfully asked.

Also, Senate File No. 113: A Bill for an Act authorizing the Trustees of the State University to sell the Saline Lands, and for other purposes."

Also, Senate File No. 93: A Bill for an Act to amend Section 711 of the Revision of 1860 in relation to exemption of property from taxation.

Also, Senate File No. 153: A Bill for an Act to fix the compensation of Guards of the Iowa Penitentiary, without amendment; and has concurred in Senate amendment to House File No. 47: A Bill for an Act granting a right of way to open and drain coal mines.

JACOB RICH, Chief Clerk.

On motion, the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock, P. M.

By consent, Senator Udell submitted the following report:

The Committee on Military Affairs have had under consideration House File No. 163: A Bill for an Act providing for the payment of certain officers and soldiers of Iowa regiments, and instructed me to report the same back and recommend its passage.

Also, Senate File No. 227: A Bill for an Act in relation to enlistments in this State and have instructed me to report the same back and recommend its passage.

On motion of Senator Saunders, a call of the house was made and those found absent were—Senators Burdick, Brown, Cutler, Clarkson, Dixon, Flaugh, Hart, Knoll, Shippen, and Young.

Several Senators appearing, on motion of Senator Ross, further proceedings under the call were dispensed with.

On motion of Senator Young, special order—Senate File Nos. 147 and 188—was postponed 15 minutes.

On motion of Senator Hart, the Senate reconsidered the vote by which the Senate refused the request of the Committee of the Whole to sit again at 2 o'clock P. M.

The question now being, "Shall the Senate grant leave to the Committee of the Whole to sit again at 2 o'clock P. M.?"

Senator Stubbs moved to amend by making the time 2 o'clock and 32 minutes, instead of 2 o'clock.

The amendment was adopted.

On motion of Senator Ross, the special order—Senate File Nos. 147 and 188—was postponed and made special order directly after the consideration of special order, Senate File No. 177 and House File No. 188.

On motion of Senator Young, the Senate went into Committee of the Whole in consideration of Senate File No. 177 and House File No. 112.

The Committee arose at 5½ o'clock P. M. and reported the Bill back and recommended its indefinite postponement.

Also, that the Committee had had under consideration substitute for Senate File No. 177, and have offered the following amendments: In the first Whereas in the fifth line, strike out the words "Acts of the Congress of the United States, and—;" in the tenth line strike out the words "upon terms which are just and equitable and entirely satisfactory to such counties," and the word "swamp," and insert after the word "sold" in same line the words "as swamp lands."

In the second Whereas in the fifteenth line, insert after the word "lands" the words "purchased of the Des Moines Navigation and Railroad Company."

In the 1st section in the eighth line strike out the words "D. W. Kilbourne and Angus McBane two."

In section 4, in the third line, after the word "obligations" the words "or restrictions;" and add after the fourth line the words "except as herein otherwise provided;" and in the third line strike out the words "sections six and seven of."

Add to the section the following:

Provided, That whenever a railroad shall be completed and in operation between Marion and Cedar Rapids, in Linn county, whether by the said Cedar Rapids and Missouri River Railroad or any other company, it shall be deemed a sufficient compliance with sections seven of the act aforesaid.

And with these amendments the Committee recommend the passage of the bill.

Senator Young moved that House File No. 112 be indefinitely postponed.

On this question the yeas and nays being demanded,

The yeas were, Senators Bassett, Burdick, Brown, Cutler, Clarkson, Clark, Cutts, Foote, Gray, Gue, Henderson, Hogin, Hurley, Hunt, Jennings, Knoll, King, McJunkin, McCrary of Van Buren, Moore, Patterson, Roberts, Saunders, Stubbs, Shippen and Young—26.

The nays were, Senators Brunson, Boardman, Bridges, Crookham, Dixon, Flaugh, Hart, Hillyer, Hesser, Hatch, Hilsinger, McMillan, Herrill, Parvin, Ross, Wharton and Woolson—17.

Absent without excuse, Senator Udell.

The motion to indefinitely postpone was adopted.

Senator Young moved that Senate File No. 177 be indefinitely postponed.

On this motion the yeas and nays being demanded,

The yeas were, Senators Cutler, Clarkson, Clark, Dixon, Gue, Hogin, Hurley, Hunt, Hatch, Hilsinger, Jennings, Knoll, McJunkin, McCrary of Van Buren, McMillan, Roberts, Saunders, Woolson and Young—19.

The nays were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Crookham, Cutts, Flaugh, Gray, Hart, Henderson, Hillyer, Hesser, King, Moore, Merrill, Patterson, Parvin, Ross, Stubbs, Shippen and Wharton—23.

Absent without excuse—Senators Foote and Udell.

The motion to indefinitely postpone was lost.

On motion of Senator Ross the Senate adjourned.

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SENATE CHAMBER,
Des Moines, Iowa, March 25th, 1864.

Senate convened at 9 o'clock A. M.—the President in the chair.
Prayer was offered by the Rev. J. M. Chamberlain.

Journal of Saturday read and approved.

Senator Parvin submitted the following report:

The Committee on Enrolled Bills have examined House File No.

11: "An Act to repeal Chapter 11 of the extra session of the 8th General Assembly entitled an Act for the relief of volunteers who have been or may be mustered into the service of the United States Government."

Also, Senate File No 37: "An Act to fix the per diem of labor on roads and poll tax."

Also, Senate File No. 153: "An Act to fix the compensation of guards of the Iowa Penitentiary."

Also, Senate File No. 93: "An Act to amend Section 711 of the Revision of 1860 in relation to exemption of property from taxation."

Also, Senate File No. 113: "An Act authorizing the Trustees of the State University to sell the Saline Lands, and for other purposes," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

By consent, Senator Parvin called up Senate File No. 70: A Bill for an Act for the relief of certain citizens of Keokuk county.

Senator Gray moved to refer the Bill to Committee on Military Affairs.

The motion was lost.

The Bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Brunson, Boardman, Brown, Cutler, Crookham, Clark, Dixon, Foote, Flaugh, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Jennings, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Wharton—32.

The nays were, Senators Bassett, Burdick, Bridges, Clarkson, Cutts, Gray, Gue, Henderson, Hesser, Hilsinger, Knoll, and Woolson—12.

Bill passed and title agreed to.

By consent, House File No. 163: A Bill for an Act to provide for the payment of the claims of certain officers and soldiers of Iowa regiments, was taken up.

The Bill was read a third time, and on the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Boardman, Brown, Cutler, Crookham, Dixon, Foote, Flaugh, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Wharton—31.

The nays were, Senators Burdick, Bridges, Clarkson, Clark, Cutts, Gray, Gue, Henderson, Hilsinger, Jennings, Knoll, King, and Woolson—13.

Bill passed and title agreed to.

By consent, House File No. 145: A Bill for an Act to provide

for the compilation and publication of the Road Laws and the distribution of the same, was taken up.

The Bill was read third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, and Udell—38.

The nays were, Senators Roberts, Wharton and Woolson—3.

Absent without excuse, Senators Brown, Cutler and McCrary of Lee.

Bill passed and title agreed to.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the Honorable Senate that the House has passed the following Bills:

House File No. 141: "A Bill for an Act to amend Section 16, Chapter 173 of the laws of the 9th General Assembly," in which the concurrence of the Senate is respectfully asked.

And has concurred in Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence to extend the time for the grants of Railroad Lands, without amendment.

JACOB RICH, Chief Clerk.

Senate File No. 28: A Bill for an act entitled an Act to amend an Act creating a County Board of Supervisors, defining their duties, and the duties of certain officers, &c.

And Senate File No. 57: A Bill for an Act providing for a more equal distribution in the several Boards of Supervisors, was taken up.

Senator Woolson moved that the Bills be indefinitely postponed.

On this motion the yeas and nays being demanded,

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Cutler, Clarkson, Clark, Foote, Gray, Gue, Hart, Hogin, Hurley, Hesser, Hunt, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Van Buren, Parvin, Wharton and Woolson—24.

The nays were, Senators Brown, Bridges, Crookham, Dixon, Flaugh, Hillyer, Hatch, McCrary of Lee, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen and Udell—18.

Absent without excuse—Senators Cutts and Henderson.

The motion was adopted.

On motion of Senator Ross, the Senate reconsidered the vote by which Senate File Nos. 147 and 188 were made a Special Order immediately after the consideration of Senate File No. 177, and House File No. 112.

Senator Ross moved that the Rules be suspended, and that Senate File Nos. 147 and 188 be taken up.

The motion was lost.

REPORTS OF COMMITTEES ON FILE.

Joint Resolution in reference to rebel land owners was taken up and indefinitely postponed.

Joint Resolution endorsing the administration of President Lincoln, was taken up.

Senator Gray moved to lay the Resolution on the table.

On this motion the yeas and nays being demanded,

The yeas were, Senators Bassett, Crookham, Gray, Gue, Jennings, Knoll, McCrary of Lee, McCrary of Van Buren, Patterson, Ross, Roberts and Woolson—11.

The nays were, Senators Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Cutts, Flaugh, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hillsinger, King, McJunkin, Moore, McMillan, Merrill, Parvin, Saunders, Shippen, Udell and Wharton—28.

Absent without excuse—Senators Dixon, Foote, Hesser and Stubbs.

The motion to table was lost.

Senator Ross offered the following amendment:

And that the delegates from this State to the National Convention to be held at Baltimore, be and are hereby requested, instructed and empowered to cast their votes in favor of the re-nomination of Abraham Lincoln, or any other man, for the next President.

Senator McCrary of Lee, moved that the amendment be laid on the table.

On this motion, the yeas and nays being demanded,

The yeas were, Senators Bassett, Crookham, Cutts, Gray, Gue, Hillyer, Jennings, Knoll, McCrary of Lee, Patterson, Parvin, Ross, Saunders, Udell and Woolson—15.

The nays were, Senators Burdick, Brunson, Boardman, Brown, Bridges, Clarkson, Clark, Foote, Flaugh, Hart, Henderson, Hogin, Hurley, Hunt, Hatch, King, McJunkin, McCrary of Van Buren, Moore, Merrill, Roberts, Stubbs, Shippen and Wharton—24.

Absent without excuse—Senators Cutler, Dixon, Hesser, Hillsinger and McMillan.

The motion to table was lost.

Senator Ross accepted the following amendment offered by Senator Foote: Strike out all of the resolution after the word "approbation."

On motion of Mr. Henderson the previous question was ordered.

The question being on the adoption of Senator Ross's amendment, and the yeas and nays being demanded,

The yeas were, Senators Bassett, Cutler, Clarkson, Crookham,

Cutts, Dixon, Foote, Flaugh, Gue, Hurley, Hillyer, Hatch, Hilsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen and Woolson—26.

The nays were, Senators Burdick, Brunson, Boardman, Brown, Bridges, Clark, Gray, Hart, Henderson, Hogin, Jennings, Knoll, King, McMillan, Udell and Wharton—17.

Absent without excuse—Senator Hesser.

The amendment was adopted.

The question now being upon the adoption of the resolution, and the yeas and nays being demanded,

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, and Woolson—38.

The nays were, Senators Gray, Henderson, Jennings, and Knoll—4.

Absent without excuse—Senators Hesser and Wharton.

Senate File No. 88: A Bill for an Act for laying out private roads, was taken up.

Senator Hilsinger offered a substitute for the bill.

The substitute was adopted and the bill was read a third time.

On the the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—38.

The nays were, Senator Ross—1.

Absent without excuse, Senators Henderson, Hesser, McCrary, of Lee, and Merrill.

Bill passed and title agreed to.

Senate File No. 182: A Bill for an Act to regulate the traffic in spirituous liquors, was taken up, and indefinitely postponed.

Senate File No. 4: A Bill for an Act providing for assistant collectors, and for the better collection of taxes, was taken up, and indefinitely postponed.

Senate File No. 187: A Bill for Act to direct the Adjutant-General to make report January 1st, 1865, and to provide for publishing and distributing the same, was taken up.

The bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Clarkson, Cutts, Dixon, Foote, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Jennings, Knoll, King,

McJunkin, McCrary, of Lee, McCrary, of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen and Udell—34.

The nays were, Senators Bridges, Crookham, Clark, Flaugh, Wharton and Woolson—6.

Absent without excuse, Senators Cutler, Henderson, Hesser and Roberts.

Bill passed and title agreed to.

House File No. 16: A Bill for an Act to regulate grist-mills, and define duties of millers and mill owners, was taken up, and indefinitely postponed.

Senate File No. 165: A Bill for an Act to fix the punishment for the crime of sodomy, was taken up.

The Bill was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Brown, Clark, Foote, Gray, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Patterson, Parvin, Ross, Saunders, Wharton and Woolson—22.

The nays were, Senators Burdick, Brunson, Boardman, Bridges, Cutler, Clarkson, Crookham, Cutts, Dixon, Flaugh, Gue, Henderson, Hunt, Jennings, Knoll, Moore, McMillan, Merrill, Roberts, Stubbs, Shippen and Udell—22.

The bill did not pass.

Senate File No. 189: A Bill for an Act to legalize the acknowledgment of written instruments requiring record in certain cases, was taken up.

The following amendment recommended by the Judiciary Committee was adopted:

"Provided this Act shall not be so construed as to prevent any person from proving that such acknowledgment was not made by the proper party."

The Bill was read a third time, and on the question "Shall the Bill pass?"

The yeas were, Senators Burdick, Brunson, Brown, Cutler, Crookham, Clark, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hunt, Hilsinger, Jennings, Knoll, King, McCrary of Lee, McMillan, Merrill, Patterson, Roberts, Saunders and Woolson—25.

The nays were Senators Bassett, Boardman, Bridges, Clarkson, Cutts, Gray, Henderson, Hillyer, Hesser, Hatch, McJunkin, McCrary of Van Buren, Moore, Parvin, Stubbs, Shippen, Udell and Wharton—18.

Absent or not voting—Senators Henderson and Ross.

Bill passed and title agreed to.

Senator Dixon moved to reconsider the vote by which the Senate passed the bill.

On motion of Senator Jennings, the motion to reconsider was laid on the table.

Substitute for Senate File No. 174: A Bill for an Act to restrain persons from careless driving or leading stock across bridges maintained at public cost, was taken up.

On motion of Senator Shippen, the word "horned," in the first section was stricken out.

On motion of Senator Hilsinger, the words, "and shall be liable to the county for all damages," were added to section 1.

The will was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hesser, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Saunders, Shippen, and Woolson—30.

The nays were, Senators Burdick, Hillyer, Hunt, Jennings, McJunkin, Parvin, Stubbs, Shippen, Udell, and Wharton—10.

Absent and not excused, Senators Bassett, Dixon, Henderson, Ross and Roberts.

Bill passed and title agreed to.

Senate File 200: A Bill for an Act relating to the transcribing, indexing, and distributing the Journals of the Senate and House of Representatives, was taken up.

The bill was read a third time.

On the question, "Shall the bill pass?"

The nays were, Senators Bassett, Brunson, Boardman, Brown, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—37.

The nays were, Senators Bridges, Cutler, Cutts, Hillyer, and Hesser—5.

Absent and not excused, Senators Burdick and Henderson.

Bill passed and title agreed to.

By consent, Senator Foote, from Committee on Ways and Means, introduced the following Joint Resolution:

Be it resolved by the General Assembly of the State of Iowa,
That whenever, in the opinion of the Census Board, it shall be necessary to pay out any of the specie now or hereafter in the State Treasury, the State Treasurer shall dispose of the same at the then market value thereof in par currency, and report the proceeds thereof to the Auditor, who shall charge him with the premium received; and until such Board shall certify to such necessity the Treasurer shall retain such specie in the Treasury.

The resolution was adopted.

Senator Udell moved that the rules be suspended to take up Senate File No. 54: A Bill for an Act to locate the Executive of-

fice, provide for official records, and to fix the Governor's salary. The motion was lost.

On motion of Senator Foote the rules were suspended, and the Senate proceeded to consider

MESSAGES FROM THE HOUSE.

House File No. 84: A Bill for an Act granting to the Cedar Rapids and Missouri River Railroad Company the right to construct and operate their road over the streets and alleys of the cities of Lyons and Clinton, was taken up. The bill was read a first and second time and referred to Committee on Incorporations.

House substitute for Senate File No. 54: A Bill for an Act to locate the Executive office, provide for official records, and to fix the Governor's salary, was taken up.

Senator Ross moved that the Bill be referred to a Special Committee of three, with instructions to amend the bill so as to make the salaries of Supreme Judges, to be hereafter elected or appointed, \$2,000, State officers \$1,500, and District Judges \$1,600.

On motion of Senator Hart the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock P. M.

On motion of Senator Patterson the special order House File No. — was postponed fifteen minutes.

REPORTS OF COMMITTEES.

By Senator Saunders:

To the Senate:—The Committee on Schools and School Lands, to whom was referred "House substitute for Senate File No. 60," respectfully report the same back to the Senate and recommend that the same do pass with the following amendments:

1st. Strike out section 3 of said substitute.

2d. Strike out section 5 of said substitute and insert as follows:

SECTION 5. That section 73 of said chapter be stricken out and the following inserted in lieu thereof: "Section 73. For the time necessarily spent in the discharge of his official duties, otherwise than in visiting schools, he shall receive the sum of two dollars per day, to be paid from the county revenue; *provided*, he shall visit each school in his county at least once in each year, and shall be entitled to such compensation therefor, as the Board of Supervisors may allow; *and provided* also, he shall file a sworn statement of the time he has been employed in the discharge of his of-

ficial duties, with the Clerk of the Board of Supervisors, before he shall be entitled to any compensation."

N. BOARDMAN, Chairman.

By Senator Parvin:

The Committee on Enrolled Bills, on the 24th inst, presented to his Excellency, the Governor, for his signature, Senate File Nos. 96, 97 and 158, and on the 25th, presented as aforesaid, Senate File Nos. 93, 153, 37 and 113.

J. A. PARVIN, Chairman.

JOINT RESOLUTIONS.

By Senator McCrary of Lee, the following Joint Resolution in relation Unfinished Business.

Resolved, by the General Assembly of the State of Iowa, That a Committee of three on the part of the Senate, and the same number on the part of the House, be appointed to examine all Bills pending in either Branch of the General Assembly, and report to each House on Monday morning, or sooner, such bills as in their judgment should be first considered and acted upon to subserve the best interests of the State.

The resolution was adopted.

By Senator Burdick: For the relief of S. H. Taft.

The resolution was adopted.

House Substitute for Senate File No. 60: A Bill for an Act to amend an Act passed by the 9th General Assembly, 1862, entitled an Act to amend an Act passed by the Board of Education, Dec. 24th, 1859, entitled "An Act to provide a system of common schools, and the amendments thereto," was taken up.

The first and second amendments recommended by the Committee, were adopted.

The bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Burdick, Brunson, Boardman, Brown, Cutler, Crookham, Cutts, Dixon, Foote, Gray, Gue, Hart, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen and Woolson—33.

The nays were, Senators Bassett, Clarkson, Flaugh, Henderson, Hillyer, Merrill and Udell—7.

Absent without excuse—Senators Bridges, Clark and McJunkin.

Bill passed and title agreed to.

The Chair appointed as Committee on the part of the Senate, in pursuance of the Resolution in reference to Unfinished Business, Senators McCrary of Lee, Hurley and Cutts.

Senator Wharton was excused.

House File No. 141: A Bill for an Act to amend Chapter 45 of the Revision of 1860, in relation to revenue, was taken up, and the Secretary was directed to return the same in compliance with the request of the House.

Special Order House File No. 174: A Bill for an Act for the formation of the 12th Judicial District, and fixing the time for holding courts in the 10th and 11th Judicial Districts and provide for the election of a District Judge and District Attorney in the 12th Judicial District, was taken up.

Senator Clarkson moved to amend the bill by striking out the words "Blackhawk county," in the 10th Section, and inserting the same words in the 11th section.

The amendment was not adopted.

The Bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Burdick, Brunson, Boardman, Bridges, Cutler, Clarkson, Crookham, Cutts, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hilsinger, Jennings, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen and Udell—34.

The nays were, Senators Gray, Knoll, Ross and Woolson—4.

Absent without excuse—Senators Bassett, Brown, Clark, Dixon and Hatch.

Bill passed and title agreed to.

Senator Burdick moved to reconsider the vote by which House File No. 16 was indefinitely postponed.

The motion was lost.

REPORTS OF COMMITTEES ON FILE.

House substitute for Senate File No. 54: A Bill for an Act to locate the Executive Office, provide for official records, and to fix the Governor's salary, was taken up.

Senator Ross withdrew his amendment pending at the adjournment of the Senate, and offered the following amendments: strike out of Section 1 all after the word "action," and add as new Sections the following:

SEC. 5. The salaries of the Judges of the District Courts of this State, hereafter elected or appointed shall be sixteen hundred dollars per annum.

SEC. 6. The salaries of the Judges of the Supreme Court hereafter elected or appointed shall be two thousand dollars per annum.

SEC. 7. The salaries of the Secretary of State, the Auditor, the State Treasurer, the Register of the Land Office and Superintendent of Public Instruction, shall severally be fifteen hundred dollars per annum.

On the adoption of the amendments offered by Senator Ross the yeas and nays were demanded.

The yeas were, Senators Brunson, Cutts, Dixon, Foote, Gue, Henderson, Hurley, Hatch, King, McCrary of Lee, Patterson, Parvin, Ross, Saunders, Stubbs, and Woolson—16.

The nays were, Senator Bassett, Burdick, Bridges, Cutler, Clarkson, Crookham, Gray, Hart, Hogin, Hillyer, Hesser, Hilsinger, Jennings, Knoll, McCrary of Van Buren, Moore, McMillan, Merrill, Roberts, Shippen, and Udell—21.

Absent without excuse, Senators Boardman, Brown, Clark, Hunt and McJunkin.

The amendments were not adopted.

On motion of Senator King, a call of the house was made, and the absentees were Senators Hunt, McJunkin, Brown, Boardman, and Clark.

Senator Clark was excused.

The Sergeant-at-Arms having brought in the absentees, further proceedings were dispensed with.

Senator Woolson offered the following amendment:

Strike out all of section 1, after the word "government," and insert the words, "and he shall keep a secretary of such office in his absence."

The amendment was adopted.

The bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Burdick, Boardman, Brown, Crookham, Dixon, Foote, Gray, Gue, Henderson, Hogin, Hurley, Hatch, Hilsinger, Jennings, Knoll, King, McCrary of Lee, McMillan, Merrill, Patterson, Roberts, Saunders, Shippen, Udell and Woolson—25.

The nays were, Senators Bassett, Brunson, Bridges, Cutler, Clarkson, Cutts, Flaugh, Hart, Hillyer, Hesser, Hunt, McJunkin, McCrary of Van Buren, Moore, Parvin, Ross, Stubbs, and Woolson—17.

Bill passed and title agreed to.

Senator McJunkin submitted the following report:

Your Committee on Federal Relations, to whom was referred joint resolutions memorializing Congress on the subject of slavery, offered by Senators Parvin and McJunkin, have had the same under consideration, and the majority of said Committee fully indorse the sentiments expressed in said resolutions, and have instructed me to report the accompanying substitute for said resolutions, and recommend its adoption.

Received, the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following bills:

House File No. 157: A Bill for an Act permitting real estate to

be sold at tax sales for less than the taxes, interest and costs due thereon in certain cases."

Also House File No. 176: "A Bill for an Act relating to the Reports of Adjutant General for 1866," in all of which the concurrence of the Senate is respectfully asked, and has concurred in Senate amendments to substitute for Senate File No. 54.

The House has also concurred in the joint resolution relative to authorizing the State Treasurer to pay out the gold in his hands in certain cases.

And refused to concur in the Senate amendment to the joint resolution endorsing Abraham Lincoln, and recommending his renomination for the next President.

And has indefinitely postponed the joint resolution relating to appointing Committee to examine old bills pending in either house, and report, &c.

And has concurred in joint resolution for the relief of S. H. Taft.

The House of Representatives request the Honorable Senate to return to the House, House File No. 141: "A Bill for an Act providing for the taxation of the property of Railroads."

JACOB RICH,
Chief Clerk, House of Representatives.

MESSAGES FROM THE HOUSE.

House File No. 157: A Bill for an Act permitting real estate to be sold at tax sale for less than the taxes due thereon in certain cases, was taken up.

The Bill was read a first and second time, and referred to Committee on County and Township Organization.

Senate File No 142: A Bill for an Act to facilitate the construction and operation of Railroads in the State of Iowa.

The question being shall the Senate concur in the House amendments?

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Cutler, Clarkson, Foote, Flauth, Gray, Gue, Hart, Henderson, Hurley, Hesser, Hatch, Hilsinger, Jennings, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Roberts, Saunders, Stubbs and Shippen—29.

The nays were, Senators Bridges, Crookham, Cutts, Dixon, Hillier, McJunkin, Parvin and Woolson—8.

Absent without excuse—Senators Hogin, Ross and Udell.

The Senate concurred.

House File No. 173: A Bill for an Act to amend section 2023, Chapter 88, of the Revision of 1860, was taken up.

The bill was read a first and second time and referred to Committee on Schools.

House File No. 159: A Bill for an Act supplemental to Chap-

ter 175 of the Revision of 1860—offences against the public peace—was taken up.

The bill was read a first and second time and referred to Judiciary Committee.

House File No. 116: A Bill for an Act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue, was taken up.

The Bill was read a first and second time and referred to Committee on Township and County Organization.

House File No. 176: A Bill for an Act relating to the Reports of the Adjutant General for 1866, was taken up.

The Bill was read a first and second time, and on motion the 11th rule was suspended and the Bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brown, Crookham, Foote, Gray, Gue, Hart, Henderson, Hurley, Hillyer, Hatch, Jennings, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Parvin, Roberts, Saunders, Stubbs and Shippen—24.

The nays were, Senators Brunson, Boardman, Bridges, Cutler, Clarkson, Cutts, Dixon, Flaugh, Hesser, Hilsinger, Knoll, Patterson and Woolson—13.

Absent and not excused, Senators Hogin, Ross and Udell.

Bill passed and title agreed to.

Substitute for House File Nos. 102 and 150: A Bill for an Act in relation to Life and Fire Insurance Companies, was taken up.

Senator McCrary of Lee, moved that the bill be referred to Committee on Incorporations.

The motion was lost.

On motion of Senator Gray the bill was referred to a Special Committee of three. The Chair appointed on the committee Senators Hunt, Hurley and Jennings.

Substitute for House File Nos. 130 and 153 and Senate File No. 69: A Bill for an Act to amend sections 1704, 1707, 1708, 1741 and 1742 of the Revision of 1860, in relation to agricultural fairs, was taken up.

The bill was read a first and second time and referred to Committee on Agriculture.

House File No. 147: A Bill for an Act to amend section 2 of chapter 15 of the acts of the regular session of the Ninth General Assembly, was taken up. The bill was read a first and second time.

On motion the 11th rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Cutler, Clarkson, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hes-

ser, Hatch, Hilsinger, Jennings, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Roberts and Saunders—22.

The nays were, Senators Boardman, Bridges, Crookham, Cutts, Gray, Hurley, Hillyer, Knoll, Moore, McMillan, Merrill, Patterson, Parvin, Stubbs, Shippen and Woolson—16.

Absent without excuse—Senators Hogin, Ross and Udell.

The bill did not pass.

House File No. 169: A Bill for an Act directing the distribution of the Adjutant-General's and Supreme Court Reports, and making an appropriation to defray the expense of such distribution, was taken up. The bill was read a first and second time.

On motion, the 11th rule was suspended and the bill was read a third time.

On the question “Shall the bill pass?”

The yeas were, Senators Burdick, Brunson, Boardman, Cutler, Cutts, Dixon, Flauth, Gray, Hart, Henderson, Hesser, Hatch, Hilsinger, Jennings, King, McJunkin, McCrary of Van Buren, McMillan, Merrill, Roberts, Saunders and Stubbs—22.

The nays were, Senators Bassett, Brown, Bridges, Clarkson, Crookham, Foote, Gue, Hurley, Hillyer, Knoll, McCrary of Lee, Moore, Patterson, Parvin, Shippen and Woolson—16.

Absent without excuse—Senators Hogin, Ross and Udell.

The bill did not pass.

By consent Senator Jennings, from Special Committee, reported back Senate File No. 198: A Bill to authorize the construction of railroad bridges across the Mississippi and Missouri rivers, with the following amendments:

Insert after the thirteenth line in section 1 the words, “At such place as shall be designated therefor, by the Board of Supervisors of the county wherein said abutting is to be made.”

Also insert the same words in the twelfth line of section 2 after the word “river.”

Strike out section 3 and substitute therefor the following: “Sec. 3. No bridge shall be built under the provisions of this act, until the plan thereof shall first be submitted to and approved by the said Board of Supervisors.”

In the third line of section 6, after the word authorized, the words, “with the consent of the Board of Supervisors,” and add to the section the words, “at rates to be approved by said Board of Supervisors.”

In the 7th section, third line, strike out the word “any” and insert the word “either,” and after the word “for” in the seventh line the word “railroad.”

With these amendments the committee recommend the passage of the bill.

On motion the rules were suspended and the bill and report were taken up.

By consent, Senator McCrary, of Lee, offered a joint resolution

explanatory of chapter 9 of the laws of the Tenth General Assembly, being "An Act to change the rate of interest upon warrants upon the State Treasurer;" and the same was adopted.

Senator Boardman moved that the Senate adjourn.

The motion was lost.

On motion of Senator Henderson, the vote was reconsidered by which the Senate refused to pass House File No. 169: A Bill for an Act directing the distribution of the Adjutant-General's and Supreme Court Reports, and making an appropriation to defray the expense of such distribution.

On motion of Senator Henderson, the Senate reconsidered the vote by which the bill was ordered to a third reading.

Senator Henderson offered the following amendments to the bill:

Strike out of sections 1 and 2, the words, "at the expense of the State."

Also, insert as a substitute for section 3, the following:

"Section 3. The distribution aforesaid shall be made as directed by the respective parties entitled to receive said reports, but at their own proper expense."

The amendment was adopted.

The bill was read a third time, and on the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Cutler, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Henderson, Hurley, Hesser, Hatch, Hilsinger, King, McJunkin, McCrary, of Van Buren; Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, and Shippen—28.

The nays were, Senators Bridges, Clarkson, Hillyer, Jennings, Knoll, Stubbs, and Woolson—7.

Absent without excuse, Senators Boardman, Crookham, Hogin, McCrary, of Lee, and Udell.

Bill passed and title amended by striking out all after the word "reports."

By consent, Senator Ross introduced Senate File No. 241: A Bill for an Act to amend and explain an act passed by the 10th General Assembly, entitled An Act to define the times of holding court in the Third Judicial District, approved January 25th, 1864.

The bill was read a first and second time.

On motion, the 11th rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Henderson, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary, of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, and Woolson—38.

The nays were, Senator Hart—1.

Absent without excuse, Senators Boardman, Crookham, Hogin, McCrary, of Lee, and Udell.

Bill passed and title agreed to.

On motion, the Senate adjourned.

EVENING SESSION.

Senate convened at 7 o'clock P. M.

President in the chair.

A committee from the House announced that the House was now ready to receive the Senate in Joint Convention for the purpose of electing a Superintendent of Public Instruction, five Trustees of the Iowa State Agricultural College and Farm, and three Trustees of Iowa State University.

The Chair announced as a committee for the purpose of selecting such business as should first be acted upon by the Senate to subserve the best interests of the State, Senators Cutts, Hurley, and McCrary, of Lee.

On motion of Senator Jennings, Senator Knoll was appointed teller for the convention, on the part of the Senate.

On motion of Senator Stubbs, Senate proceeded to join the House in Joint Convention.

Joint Convention called to order by the President of the Senate.

President announced as tellers, Mr. Knoll, of the Senate, and Mr. Hildreth, of the House.

President announced that nominations were in order for Superintendent of Public Instruction.

Mr. Boardman nominated Mr. Oran Faville, of Mitchell county. The roll was called with the following result:

Whole number of votes cast,.....	111
Of which Mr. Faville received.....	104
Mr. Dunlavy received.....	1
Maturin L. Fisher received.....	5
Angus McBane received.....	1

Mr. Faville having received a majority of all the votes cast, was declared duly elected Superintendent of Public Instruction for the term of two years from and after ——————, and until his successor is elected and qualified.

Those voting for Mr. Faville were, Messrs. Andrews of Decatur, Bruce, Bromley, Bell, Buckham, Baylies, Burke, Brown of the Senate, Bassett, Burdick, Brunson, Boardman, Bridges, Carbee, Campbell, Close, Cutler, Clark of the House, Clark of the Senate, Clark, son, Crookham, Cutts, Darby, Davis, Dorr, Dixon, Elliott, Fenn, Fry, Fuller, Finkbine, Flaugh, Garrett, Green, Glendening, Gose, Gray, Gue, Hale, Hildreth, Hixon, Helm, Hurst, Holdridge, Hart,

Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, Jeffries, Joy, Johnson, King of the Senate, Latham, Logan, Littler, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Moir, McMaken, McNutt, McCall, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Nelson, Oliver, Parker, Paulk, Perry, Perry, Pritchard, Patterson, Parvin, Russell of Jones, Roberts, Sanderson, Simpson, Sturgess, Stiles, Stanton, Spurrier, Skiles, Smith, Saunders, Stubbs, Shippen, Thompson, Van Sandt, Weare, Wolfe, White, Wharton, Woolson, and Mr. Speaker—104.

Those voting for Mr. Fisher were, Messrs. Cort, Christoph, Jennings, Knoll and Richards—5.

For Mr. Dunlavy, Mr. Carey.....	1
“ McBane, Mr. Hesser.....	1

The President announced that the next business before the Convention was the election of Trustees of the Agricultural College.

Senator Clarkson nominated Joseph McGowen, of Appanoose Co., of 2d District; C. E. Whiting, of Monona Co., of 4th District; Suel Foster, of Muscatine Co., of 7th District; P. Melendy, of Black Hawk Co., of 9th District; and Jesse Rogers, of Hardin Co., of 11th District.

Mr. Maxwell nominated Mr. L. Q. Hoggatt, of Story Co.

Mr. Thompson nominated Mr. Phineas Cadwell, of Madison Co., The roll was called, with the following result:

Whole number of votes cast.....	102
Necessary to a choice,.....	52 votes.
Of which Mr. McGowen received.....	98 "
“ “ Whiting received.....	18 "
“ “ Foster received.....	99 "
“ “ Melendy received.....	95 "
“ “ Rogers received	34 "
“ “ Hoggatt received.....	59 "
“ “ Cadwell received.....	68 "
“ “ Watson received.....	17 "
Scattering.....	23 "

Messrs. McGowen, Foster, Melendy, Hoggatt and Cadwell having received a majority of all the votes cast were declared duly elected Trustees of the Agricultural College of the State for the term of two years from and until their successors are elected and qualified.

Those gentlemen voting for Mr. Suel Foster were,

Messrs. Andrews of Decatur, Bruce, Bromley, Bell, Buckham, Baylies, Bassett, Burdick, Brunson, Boardman, Bridges, Carbee, Campbell, Close, Clark of the House, Clark of the Senate, Clarkson, Crookham, Cutts, Cutler, Day, Darby, Davis, Dorr, Dixon, Fenn, Fry, Fuller, Finkbine, Foote, Flaugh, Garrett, Galland, Green, Glendenning, Gose, Gray, Gue, Helm, Hurst, Holdridge, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jeffries, Joy, Johnson, King of the Senate, Knoll, La-

thain, Logan, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Moir, McMaken, McNutt, McCall, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Nelson, O'Brien, Parker, Pault, Perry, Pritchard, Patterson, Parvin, Russell of Jones, Roberts, Sanderson, Simpson, Sturgess, Stiles, Stanton, Spurrier, Skiles, Smith, Saunders, Stubbs, Shippen, Thompson, Van Sandt, Weare, Wolfe, Wharton, and Mr. Speaker—99.

Those gentlemen voting for Mr. Joseph McGowen were,

Messrs. Andrews of Decatur, Bruce, Bromley, Bell, Buckham, Baylies, Bassett, Burdick, Brunson, Boardman, Bridges, Carbee, Campbell, Close, Clark of the House, Clark of the Senate, Clarkson, Crookham, Cutts, Cutler, Day, Darby, Davis, Dorr, Dixon, Fenn, Fry, Foote, Flauth, Garrett, Galland, Green, Glendenning, Gose, Gray, Gue, Hale, Hildreth, Hixon, Helm, Hurst, Holdridge, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jeffries, Joy, Johnson, Jennings, Knox, King of the Senate, Knoll, Latham, Logan, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Moir, McMaken, McNutt, McCall, McCrary of Van Buren, Moore, McMillan, Merrill, Nelson, Parker, Pault, Perry, Pritchard, Patterson, Parvin, Russell of Jones, Roberts, Sanderson, Simpson, Sturgess, Stiles, Stanton, Spurrier, Skiles, Smith, Saunders, Stubbs, Shippen, Thompson, Van Sandt, Weare, Wolfe, Wharton, and Mr. Speaker—98.

Those gentlemen voting for Mr. L. Q. Hoggart were,

Messrs. Andrews of Decatur, Bruce, Bell, Buckham, Baylies, Carbee, Campbell, Clark of the Senate, Day, Darby, Davis, Dorr, Fenn, Fry, Fuller, Garrett, Galland, Glendenning, Gose, Hale, Hildreth, Hixon, Holdridge, Henderson, Hunt, Hatch, Hilsinger, Jeffries, Joy, Jennings, Latham, Lindley, Lindsey, Lyons, Magill, Maxwell, Meissner, McMaken, McNutt, McCall, McCrary of Van Buren, McMillan, Nelson, Parker, Perry, Pritchard, Roberts, Skiles, Smith, Saunders, Stubbs, Thompson, Van Sandt, Wolfe, Wharton, and Mr. Speaker—59.

Those gentlemen voting for Phineas Cadwell were, Messrs. Andrews of Decatur, Bruce, Bromley, Bell, Buckham, Baylies, Bassett, Boardman, Carbee, Campbell, Clark of the House, Cutts, Day, Darby, Davis, Dorr, Dixon, Fenn, Fry, Fuller, Foote, Green, Gose, Hildreth, Hixon, Helm, Hurst, Holdridge, Hatch, Hilsinger, Jeffries, Joy, Johnson, Jennings, Latham, Logan, Lindley, Lindsey, Lyons, Magill, Maxwell, Meissner, McMaken, McNutt, Moore, McMillan, Merrill, Nelson, Oliver, O'Brien, Parker, Perry, Patterson, Parvin, Russell of Jones, Roberts, Simpson, Stiles, Spurrier, Skiles, Smith, Sweet, Saunders, Stubbs, Thompson, Van Sandt, Vinton, Wolfe, Wharton and Mr. Speaker—68.

Those gentlemen voting for Mr. Melendy were, Messrs. Andrews of Decatur, Bruce, Bromley, Buckham, Baylies, Basset, Brunson, Brayton, Boardman, Bridges, Carbee, Campbell, Close, Clark of the House, Clark of the Senate, Clarkson, Crookham, Cutts, Day,

Darby, Davis, Dorr, Dixon, Fenn, Fry, Finkbine, Foote, Flaugh, Garrett, Galland, Green, Glendenning, Gose, Gray, Gue, Hale, Hixon, Helm, Hurst, Holdridge, Henderson, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jeffries, Joy, Johnson, Jennings, King of the Senate, Knoll, Latham, Logan, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Meissner, Mills, Munsell, Moir, McMaken, McCall, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Nelson, Parker, Paulk, Patterson, Parvin, Russell of Jones, Roberts, Sanderson, Stiles, Stanton, Spurrier, Skiles, Smith, Saunders, Stubbs, Shippen, Thompson, Van Sandt, Weare, Wolfe, Wharton and Mr. Speaker—95.

Those gentlemen voting for Mr. Rogers were, Messrs. Bromley, Bassett, Burdick, Brunson, Boardman, Bridges, Close, Cutler, Clarkson, Crookham, Cutts, Dixon, Finkbine, Foote, Flaugh, Garrett, Green, Gray, Gue, Hale, Hildreth, Helm, Hurst, Hart, Hogin, Hurley, Hillyer, Hesser, Jeffries, Joy, Johnson, Jennings, Knox, King of the Senate, Knoll, Logan, Merriam, Moir, McCrary of Van Buren, Moore, Oliver, Paulk, Patterson, Parvin, Russell of Jones, Sanderson, Stiles, Spurrier, and Weare—47.

Those gentlemen voting for Mr. Watson were, Messrs. Bell, Burdick, Brunson, Clark of the Senate, Clark of the House, Finkbine, Glendenning, Hale, Hildreth, Henderson, Hillyer, Magill, McNutt, Simpson, Sturgis, Stanton and Shippen—17.

Those gentlemen voting for Mr. C. E. Whiting were, Messrs. Carey, Campbell, Christoph, Close, Clarkson, Crookham, Flaugh, Galland, Gray, Gue, Hart, Hogin, Hesser, Jennings, King of the Senate, Knoll, Merriam, Moir, Oliver, O'Brien, Paulk, Perry, Pritchard, Sanderson, Sturgess and Weare—25.

Scattering..... 23 votes.

Those gentleman voting for John King, were Messrs. Carey, Cort, Christoph, Henderson, Hurley, Hunt, and O'Brien—7.

Those gentlemen voting for Mr. Charles Paulk were, Messrs. Fry, Fulton, Finkbine, Hildreth, and O'Brien—5.

Mr. Oliver voted for Mr. Woodford.

Messrs. Burdick and Merrill voted for Angns McBane.

Those gentlemen voting for Mr. Goshorn, were Messrs. Cort, Close, Christoph, and O'Brien—4.

President announced that the next business in order before the convention was the election of Trustees of the State University, and that nominations were now in order.

Mr. Finkbine nominated Rush Clark, of Johnson county.

Mr. Stubbs nominated Mr. L. W. Ross to fill the place of Thos. H. Benton, who is now in the United States Army.

Mr. Magill nominated Mr. Ed. Peet.

Mr. Weare nominated Mr. Eley.

Mr. Hatch nominated Rev. Dr. Peet.

Mr. Stiles nominated Mr. T. C. Woodworth.

Mr. Patterson nominated Mr. Oran Faville.

Mr. Saunders nominated Mr. E. Cook in place of N. J. Rush, who is now in the United States Army.

Mr. Parvin nominated S. D. Veile, of Muscatine county.

The roll was called, with the following result:

Whole number of votes cast.....	73
Necessary to a choice.....	37
Of which Mr. Clark received.....	62 votes.
Mr. Ross received.....	65 "
Mr. Peet received.....	32 "
Mr. Eley received.....	17 "
Mr. Woodworth received.....	53 "
Mr. Faville received.....	29 "
Mr. Cook received.....	41 "
Mr. Viele received.....	29 "
Mr. Bird received.....	27 "
Scattering	10 "

Messrs. L. W. Ross, Rush Clark, and Woodworth having received a majority of all the votes cast, were declared duly elected Trustees of the Iowa State University.

Those gentlemen voting for Mr. Lewis W. Ross, were Messrs. Bruce, Bromley, Buckham, Baylies, Burdick, Brunson, Carbee, Campbell, Close, Clark of the House, Clarkson, Crookham, Cutts, Cutler, Day, Davis, Dixon, Fenn, Fry, Finkbine, Foote, Garrett, Glendenning, Gose, Hale, Hildreth, Hixon, Helm, Holdridge, Hart, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Jeffries, Joy, Knoll, Lindley, Lindsey, Lyons, Merriam, Magill, Maxwell, Moir, McMaken, McNutt, Moore, McMillan, Nelson, Oliver, Perry, Patterson, Parvin, Russell of Jones, Roberts, Simpson, Sturgess, Stiles, Smith, Saunders, Stubbs, Shippen, Van Sandt, Wharton, and Mr. Speaker—67.

Those gentlemen voting for Rush Clark were, Messrs. Bruce, Bromley, Buckham, Baylies, Burdick, Brunson, Carbee, Campbell, Close, Cutler, Day, Davis, Dorr, Finkbine, Foote, Hale, Hildreth, Hixon, Helm, Holdridge, Hogin, Hillyer, Hunt, Hilsinger, Joy, Jennings, Littler, Lindsey, Lyons, Merriam, Magill, Maxwell, Moir, McMaken, McNutt, Moore, McMillan, Oliver, Paulk, Perry, Parvin, Russell of Jones, Ross, Simpson, Sturgess, Stiles, Spurrier, Skiles, Smith, Stubbs, Shippen, Thompson, Van Sandt, Wharton and Mr. Speaker—54.

Those gentlemen voting for Mr. G. C. Woodward were, Messrs. Bruce, Bromley, Buckham, Baylies, Burdick, Carbee, Campbell, Close, Clark, of the House, Clarkson, Crookham, Davis, Dixon, Fenn, Fry, Fuller, Finkbine, Foote, Garrett, Green, Gose, Hale, Hixon, Helm Hart, Hogin, Hillyer, Hunt, Hatch, Hilsinger, Jeffries, Joy, Knoll, Littler, Lindley, Lindsey, Lyons, Merriam, Maxwell, Moir, McMaken, Moore, McMillan, Nelson, Oliver, Parvin, Russell of Jones, Russell of Washington, Richards, Runyan,

Roberts, Ross, Stiles, Spurrier, Skiles, Smith, Stubbs, Thompson, and Van Sandt—53.

Those gentlemen voting for Mr. Ebenezer Cook were, Messrs. Bruce, Bromley, Buckham, Close, Crookham, Cutts, Cutler, Dorr, Fenn, Finkbine, Foote, Green, Gose, Hale, Hildreth, Hart, Hogin, Hillyer, Hatch, Joy, Littler, Lindsey, Merriam, Magill, McMaken, Moore, Oliver, Pault, Perry, Parvin, Russell of Jones, Ross, Simpson, Spurrier, Skiles, Smith, Saunders, Shippen, Thompson, Van Sandt, Wharton, and Mr. Speaker—41.

Those gentlemen voting for Mr. Ed. Peet were Messrs. Buckham, Brunson, Clark, of the Senate, Crookham, Cutts, Cutler, Green, Hale, Hixon, Holdridge, Hart, Jeffries, Knoll, Lindsey, Magill, Moir, Nelson, Pault, Patterson, Roberts, Simpson, Sturgess, Stiles, Stanton, Spurrier, Skiles, Smith, Sweet, Saunders, Stubbs, Thompson, Van Sandt and Wharton—31.

Those gentlemen voting for Oran Faville were, Messrs. Bromley, Baylies, Burdick, Brunson, Carbee, Campbell, Fenn, Fry, Fuller, Garrett, Galland, Green, Hildreth, Hixon, Helm, Holdridge, Jeffries, Knoll, Maxwell, McNutt, Nelson, Oliver, Perry, Patterson, Parvin, Russell of Jones, Roberts, Simpson, Sturgess and Saunders—29.

Those gentlemen voting for Rev. Thompson Bird were, Messrs. Cutler, Dixon, Fenn, Fry, Fuller, Foote, Garrett, Hildreth, Hillyer, Hunt, Hatch, Hilsinger, Joy, Jennings, Lindley, Lyons, Maxwell, McNutt, Moore, McMillan, Patterson, Roberts, Ross, Stiles, Shippen, Udell and Mr. Speaker—27.

Those gentlemen voting for Mr. S. D. Viele were, Messrs. Baylies, Burdick, Brunson, Campbell, Clark of the House, Cutts, Dorr, Dixon, Hart, Hogin, Hatch, Hilsinger, Jeffries, Knoll, Lyons, McMaken, Pault, Patterson, Parvin, Roberts, Ross, Sturgess, Skiles, Saunders, Stubbs, Thompson, Wharton and Mr. Speaker—29.

Those gentlemen voting for Dr. J. F. Eley were, Messrs. Carbee, Close, Dorr, Dixon, Hale, Helm, Holdridge, Hunt, Merriam, Magill, Moir, McMillan, Nelson, Pault, Perry, Russell of Jones, and Spurrer—17.

Scattering..... 10 votes.

The following certificates were then signed in presence of the convention:

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, March 26th, 1864. }

This is to certify that at an election by the Senate and House of Representatives of the State of Iowa in Joint Convention assembled, at the Capitol, on Saturday, March 26th, 1864, for the purpose of electing a Superintendent of Public Instruction, Oran Faville having received a majority of all the votes cast for said office was

declared duly elected for the term of two years, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention the day and year first above written.

ATTEST:

F. M. KNOLL, Teller on part of Senate,
A. B. F. HILDRETH, Teller for the House.
E. W. EASTMAN, Pres't of the Convention,
JACOB BUTLER, Speaker of H. R.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, March 26th, 1864. }

This will certify that at an election held by the Senate and House of Representatives, in Joint Convention assembled, at the Capitol, on Saturday, March 26th, A. D. 1864, for the purpose of electing Trustees of the Agricultural College, Joseph McGowen having received a majority of all the votes cast, for said office was declared duly elected a Trustee of the Agricultural College and Farm of the State of Iowa, for the term of two years from and after the expiration of the term of his predecessor, and until his successor is elected and qualified.

Signed in the presence of the Convention the day and year above written.

ATTEST:

F. M. KNOLL, Teller on part of Senate,
A. B. F. HILDRETH, Teller for the House.
E. W. EASTMAN, Pres't of the Convention,
JACOB BUTLER, Speaker of H. R.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, March 26th, 1864. }

This will certify that at an election held by the Senate and House of Representatives in Joint Convention assembled, at the Capitol, on Saturday, March 26th, A. D. 1864, for the purpose of electing Trustees of the Agricultural College, Suel Foster having received a majority of all the votes cast for said office was declared duly elected a Trustee of the Agricultural College and Farm of the State of Iowa, for the term of two years from and after the expiration of the term of his predecessor, and until his successor is elected and qualified.

Signed in the presence of the Convention the day and year above written.

ATTEST:

F. M. KNOLL, Teller on part of Senate,
A. B. F. HILDRETH, Teller of the House.
E. W. EASTMAN, Pres't of the Convention,
JACOB BUTLER, Speaker of H. R.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, March 26th, 1864. }

This is to certify that at an election by the Senate and House of Representatives, of the State of Iowa, in Joint Convention assembled, at the Capitol, on Saturday, March 26th, A. D. 1864, for the purpose of electing Trustees of the Agricultural College and Farm, Peter Meleny having received a majority of all the votes cast was declared duly elected for the term of two years from and after the expiration of the term of his predecessor, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, the day and year first above written.

ATTEST:

F. M. KNOLL, Teller for the Senate.
A. B. F. HILDRETH, Teller for the House.
E. W. EASTMAN, Pres't of the Convention.
JACOB BUTLER, Speaker of H. R.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, March 26th, 1864. }

This will certify that at an election by the Senate and House of Representatives of the State of Iowa, in Joint Convention assembled at the Capitol, on Saturday, March 26, 1864, for the purpose of electing a Trustee of the Agricul'ral College and Farm, Phineas Cadwell having received a majority of all the votes cast for said office, was declared duly elected Trustee of the Agricultural College and Farm for the term of two years, from and after the expiration of the term of his predecessor, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, the day and year first above written.

ATTEST:

F. M. KNOLL, Teller on part of Senate.
A. B. F. HILDRETH, Teller for the House.
E. W. EASTMAN, Pres't of Convention.
JACOB BUTLER, Speaker of H. R.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, March 26th, 1864. }

This is to certify that at an election by the Senate and House of Representatives of the State of Iowa, in Joint Convention assembled, at the Capitol, on Saturday, March 26th, A. D. 1864, for the purpose of electing Trustees of the Agricultural College and Farm, L. Q. Hoggatt, having received a majority of all the votes cast, was declared duly elected for the term of two years, from and after

the expiration of the term of his predecessor, and until his successor is duly elected and qualified.

Signed in the presence of the Joint Convention, the day and year first above named.

ATTEST:

F. M. KNOLL, Teller on part of Senate.
 A. B. F. HILDRETH, Teller for the House.
 E. W. EASTMAN, Pres't of Convention.
 JACOB BUTLER, Speaker of H. R.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 Des Moines, March 26th, 1864. }

This will certify that an election, by the Senate and House of Representatives of the State of Iowa, in Joint Convention assembled at the Capitol, on Saturday, March 26th, 1864, for the purpose of electing Trustees of the State University, Rush Clark, of Johnson County, having received a majority of all the votes cast for said office, was declared duly elected Trustee of the State University for the term of — years, from and after the expiration of the term of his predecessor, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, the day and year first above written.

ATTEST:

F. M. KNOLL, Teller on part of Senate.
 A. B. F. HILDRETH, Teller for the House.
 E. W. EASTMAN, Pres't of Convention.
 JACOB BUTLER, Speaker of H. R.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 Des Moines, March 26th, 1864. }

This will certify, that at an election by the Senate and House of Representatives, of the State of Iowa, in Joint Convention assembled at the Capitol, on Saturday, March 26th, 1864, for the purpose of electing Trustees of the State University, L. W. Ross, of Pottawattamie county, having received a majority of all the votes cast for said office, was declared duly elected Trustee of the State University for the term of — years from and after the expiration of the term of his predecessor, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, the day and year above written.

ATTEST:

F. M. KNOLL, Teller on part of Senate.
 A. B. F. HILDRETH, Teller for the House.
 E. W. EASTMAN, President of Convention.
 JACOB BUTLER, Speaker of the H. R.

HALL OF THE HOUSE OF REPRESENTATIVES, }
Des Moines, March 26th, 1864. }

This will certify, that at an election by the Senate and House of Representatives, of the State of Iowa, in Joint Convention assembled, at the Capitol, on Saturday, March 26th, A. D. 1864, for the purpose of electing Trustees of the State University, T. C. Woodward, of Wapello county, having received a majority of all the votes cast for said office, was declared duly elected Trustee of the State University, of the State of Iowa, for the term of two years from and after the expiration of the term of his predecessor, and until his successor is elected and qualified.

Signed in presence of the Joint Convention, the day and year first above written.

ATTEST:

F. M. KNOLL, Teller for the Senate.
A. B. F. HILDRETH, Teller for the House.
E. W. EASTMAN, President of Convention.
JACOB BUTLER, Speaker of the H. R.

On motion of Mr. Stubbs the Joint Convention adjourned *sine die*.

Senate returned to its chamber, and was called to order by the President.

On motion of Senator Stubbs, Senate adjourned until Monday at 9 o'clock A. M.

SENATE CHAMBER, }
Des Moines, March 28th, 1864. }

The Senate convened at 9 o'clock, A. M.

The President in the Chair.

Prayer was offered by the Rev. Mr. Chamberlain.

Journal of Saturday read and approved.

Senator Parvin submitted the following report:

The Committee on Enrolled Bills have examined Senate File No. 163: "An Act to organize and discipline the militia."

Also Senate File No. 70: "An Act for the relief of certain citizens of Keokuk county, and to provide for the claim of John Lardner."

Also House File No. 163: "An Act to provide for the payment of the just claims of certain officers and soldiers of Iowa regiments for military service."

Also House File No. 145: "An Act to provide for the compila-

tion and publication of the Road Law, and distribution of the same," and find the same correctly enrolled.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Honorable Senate that the House has passed the following bills:

Senate File No. 255: "A Bill for an Act requiring Clerks of District Courts to certify to applications for pensions and other papers, and regulating fees for the same."

Senate File No. 100: "A Bill for an Act to amend Section 1, Chapter 154, of the Acts of the Ninth General Assembly."

Senate File No. 200: "A Bill for an Act relating to transcribing, indexing and distributing the journals of the Senate and House of Representatives," without amendment.

Also Senate File No. 210: "A Bill for an Act relating to the offices of County Recorder and Treasurer, and providing for their separation," with amendments.

In which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

Special order Senate File No. 232: A Bill for an Act to prevent disturbance and drunkenness on all election days held by the people of the State of Iowa, was taken up.

Senator Hurley offered the following amendment as an additional Section.

SEC. 7. That any violation of the provisions of this Act may be prosecuted before the County Judge, Justice of the Peace, or Mayor of any city or town in the county where such violation occurs, but nothing herein contained shall deprive the defendant of his right to an appeal to the District Court for such county as provided by law in cases of misdemeanor.

The amendment was adopted.

Senator Henderson moved to add to Section 1:

Provided, That this Section shall not be so construed as to authorize any sales of liquor on any other days, nor as releasing persons violating the laws now in force from any penalties incurred under such laws.

The amendment was adopted.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has concurred in Senate amendments to House substitute for Senate File No. 60: "A Bill for an Act to amend Chapter 172 of the Acts of the Ninth General Assembly, passed April 8th, 1862, entitled an Act to amend and consolidate an Act passed by the Board of Education, December 24th, 1859, entitled an Act to amend an Act entitled an Act to provide a system of Common Schools, and the amendments thereto."

And has passed substitute for Senate File No. 21: "A Bill for an Act to provide for taking depositions to be used in County Courts," without amendment.

And indefinitely postponed Senate File No. 88: "A Bill for an Act to provide for establishing and vacating private roads."

JACOB RICH, Chief Clerk.

Senator Patterson moved to add to Section 1:

Provided, That the act shall not be so construed as to prevent any such house from being kept open for other purposes than the sale of such liquors.

Senator Dixon moved to lay the amendment on the table.

On this motion the yeas and nays being demanded,

The yeas were, Senators Burdick, Brown, Cutler, Clark, Dixon, Gue, Hart, Henderson, Hogin, Hilsinger, Jennings, Knoll, King, McCrary of Van Buren, Moore, and Udell—15.

The nays were, Senators Bassett, Brunson, Bridges, Clarkson, Crookham, Cutts, Flaugh, Gray, Henderson, Hurley, Hillyer, Hesser, Hunt, McJunkin, McCrary of Lee, McMillan, Merrill, Patterson, Parvin, Saunders, Stubbs, Shippen Wharton and Woolson—24.

Absent without excuse—Senators Boardman, Foote, Hatch, Ross, and Roberts.

The motion to table was lost.

Senator Knoll moved that the Bill be indefinitely postponed.

On this motion the yeas and nays being demanded,

The yeas were, Senators Burdick, Brown, Cutler, Clark, Dixon, Foote, Gue, Hart, Hogin, Hilsinger, Jennings, Knoll, King, Moore and Udell—15.

The nays were, Senators Bassett, Brunson, Bridges, Crookham, Cutts, Flaugh, Gray, Henderson, Hurley, Hillyer, Hesser, Hunt, Hatch, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—27.

Absent without excuse—Senators Boardman and Clarkson.

The motion to indefinitely postpone was lost.

Received the following communication from the Governor.
(Omitted by the Journal Clerk.)

The question being upon the adoption of Senator Patterson's amendment, the amendment was not adopted.

On the question, "Shall the bill pass?"

The yeas were, Senators Brunson, Boardman, Brown, Bridges, Cutler, Crookham, Clark, Cutts, Dixon, Flaugh, Gue, Henderson, Hurley, Hillyer, Hesser, Hunt, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—31.

The nays were, Senators Burdick, Foote, Gray, Hart, Hogin, Hilsinger, Jennings, Knoll, King, Patterson and Udell—11.

Absent and not excused, Senators Clarkson, and Hatch.

Bill passed and title agreed to.

On motion of Senator Saunders, the vote was reconsidered by which the Senate failed to pass House File No. 147: A Bill for an

Act to amend section 2 of Chapter 15 of the acts of the Regular Session of the Ninth General Assembly.

The question being upon the passage of the bill,

The nays were, Senators Bassett, Burdick, Brunson, Brown, Cutler, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hesser, Hunt, Hilsinger, Jennings, King, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Udell, and Wharton—29.

The nays were, Senators Boardman, Bridges, Crookham, Gray, Henderson, Hurley, Hillyer, Knoll, Moore, Parvin, Stubbs, Shippen, and Woolson—13.

Absent without excuse, Senators Clarkson, and Hatch.

Bill passed and title agreed to.

Senator Burdick moved to reconsider the vote by which the Senate passed House File No. 174.

The motion was lost.

REPORTS OF COMMITTEES ON FILE.

Senate File No. 198: A Bill for an Act to authorize the construction of railroad bridges across the Mississippi and Missouri rivers, was taken up.

Senator Dixon moved to indefinitely postpone the bill.

On this question the yeas and nays being demanded,

The yeas were, Senators Burdick, Brunson, Dixon, Hart, McCrary of Van Buren, McMillan, Udell and Wharton—8.

The nays were, Senators Bassett, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gue, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Jennings, Knoll, King, McJunkin, McCrary of Lee, Moore, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, and Shippen—29.

Senators Woolson and Boardman excused.

Absent without excuse, Senators Boardman, Brown, Cutler, Gray, Henderson, Hilsinger, and Patterson.

The motion to indefinitely postpone was lost.

The bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bassett, Brunson, Bridges, Cutler, Crookham, Foote, Gray, Gue, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, and Wharton—31.

The nays were, Senators Burdick, Clarkson, Cutts, Dixon, Flaugh, Hart, McMillan, and Udell—8.

Absent without excuse, Senators Brown, Clark, and Henderson.

Bill passed and title agreed to.

Senator Moore moved to reconsider the vote by which Senate

File No. 232: A Bill for an Act to prevent disturbances and drunkenness on all election days held by the people of the State of Iowa, was passed.

The motion was adopted.

On motion, the Senate reconsidered the vote by which the bill was ordered to a third reading.

Senator Moore offered the following amendment to the bill:

"And provided further; that this act shall not be construed to prevent any druggist or apothecary from selling, on such election day, any articles kept for sale by him, except intoxicating liquors, including malt liquors or wines."

The amendment was adopted.

The bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Brunson, Brown, Bridges, Cutler, Crookham, Clark, Cutts, Dixon, Flaugh, Gue, Hurley, Hillyer, Hesser, Hunt, Hatch, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Roberts, Saunders, Shippen, Wharton, and Woolson—28.

The nays were, Senators Burdick, Clarkson, Foote, Gray, Hart, Hogin, Hilsinger, Jennings, Knoll, King, and Udell—11.

Absent without excuse, Senators McCrary of Lee, Ross, and Stubbs.

Bill passed and title agreed to.

On motion, Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock P. M.

Leave of absence was granted to Senator Gray during the rest of the session.

REPORTS OF COMMITTEES.

By Senator Parvin:

The Committee on Enrolled Bills have examined Senate File No. 54: "An Act to locate the Executive Office, provide for official records, and to fix the Governor's salary."

Also, "Joint Resolution relative to certain books in the hands of the Secretary of State."

Also, "Joint Resolution for the relief S. H. Taft."

Also, Senate File No. 100: "An Act to amend section one of Chapter 154, of the acts of the Ninth General Assembly."

Also, Senate File No. 142: "An Act to facilitate the construction and operation of railroads in the State of Iowa," and find the same correctly enrolled.

By Senator Hunt:

The Committee on Federal Relations to whom was referred Senate File No. 183, having had the same under consideration instruct me to make the following report:

The committee are unanimously of the opinion that some of the provisions contained in the bill are worthy the attention of the Legislature and should be incorporated into a law, but the committee are satisfied, that at this late day of the session, it would be impracticable to perfect and pass a measure of this kind; they therefore report the same back to the Senate with a recommendation that it be indefinitely postponed.

By Senator Ross:

The Judiciary Committee, to whom was referred Senate File No. 184, have had the same under consideration and a majority of the committee have instructed me to report the following substitute and recommend its passage.

By Senator Henderson:

The Committee on Federal Relations have had under consideration the House Substitute for Joint Resolutions for additional mail facilities—and two Senate resolutions on same subject—and have directed me report the said House Joint Resolution back, and recommend that the word "Greenbush" be stricken out, and "Indianola" inserted in lieu thereof, and that three additional routes be added, and thus amended, that said resolution be passed.

All of which is respectfully submitted.

By Senator Boardman:

The Committee on Schools and School Lands beg leave to make the following report:

That House File No. 46, having been referred to them has been considered, and they report back the same and recommend that four sections, herewith submitted, be added after the fourth section in the bill, and as thus amended, recommend the passage of the bill:

Section 5. Each county having any portion of the permanent school fund on loan within the same, shall be responsible for the collection of the annual interest thereof, unless the Board of Supervisors of such county shall, in their report, show that the non-collection thereof is unavoidable by reason of the failure of both mortgage and personal security for said loan, as shown by the Sheriff's return on the execution issued on the judgment thereon, and on making the semi-annual distribution of the temporary school fund, the collector shall withhold from the distributive share of any county so much as the uncollected interest in said county which has remained due and unpaid for the term of eighteen months previous to the time of the making of such distribution, if said county has not paid said claim or is not otherwise legally exonerated therefrom; and provided further, that when any interest

has been so withheld, it shall, when collected, be added to the distributive share of such county.

Section 6. In case any county has or hereafter may divert any portion of the School Fund to other purposes than such as is allowed by law, the Auditor shall withhold from such county such sum from its distributive share of the temporary School Fund as will equal the amount so diverted, and in all cases of withholding any part of the distributive share of a county, he shall thereon notify the Presidents of the several Township Districts in said county, through the County Superintendent, of the sum so withheld, and the cause thereof.

Section 7. In case any county has or may hereafter divert any portion of the School Fund to any use not authorized by law, the Auditor shall inform the State Board of Equalization of the fact, and such Board when determining the rate of State tax to be levied in such year, shall add to the rate so fixed for other counties such a per cent. as will raise an amount on the county so diverting such fund as will equal as near as may be the sum so diverted from the School Fund; and the Board of Supervisors of such county shall assess the sum upon the taxable property of their county, and the same shall be collected and for all purposes be considered a State tax; and when so levied and certified to said Auditor, he shall add to the amount (if any) he had withheld on that account, of the distributive share of such county to the next apportionment to such county, but if none had previously been withheld from such county, then the sum so levied and certified shall be credited to the temporary School Fund the same as if collected in ordinary course.

Section 8. The Auditor is hereby authorized and required to audit and allow all losses to the School Fund as provided in Section No. 3, Article 7, of the Constitution, and for that purpose he shall prescribe such regulations for the conduct of officers having such funds in charge as he shall deem necessary to ascertain any losses, and when the same shall be determined all the claims and the lands bid in on foreclosure of mortgage shall be the property of the State, and the Auditor shall credit the same to the proper School Funds and shall semi-annually enter to the credit of the temporary school fund the interest of the same at the rate of eight per cent. and distribute the same according to law, and the amount necessary to pay such interest is hereby appropriated out of any revenue in the State Treasury.

REPORTS OF COMMITTEES ON FILE.

Senate File No. 85: A Bill for an Act to provide for the compensation of printers for publishing Legal Notices in certain cases, was taken up.

The question being upon the adoption of Senator Woolson's amendment pending at the adjournment of the Senate.

The amendment was adopted.

The Bill was read a third time, and on the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Bridges, Clarkson, Crookham, Clark, Cutts, Dixon, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—39.

The nays were, Senators Brown and Cutler—2.

Absent without excuse, Senators Foote, Gray, and Roberts.

Bill passed and title agreed to.

House File No. 46: A Bill for an Act to provide for the loan of the permanent school fund and fixing the rate of interest thereon, and limiting the price at which school lands may be sold, and for other purposes, was taken up.

On motion of Senator Woolson, the first Section was amended by striking out the words "not less than."

Senator Woolson moved to add to the first Section: "*Provided*, That the above rate of interest shall only be collected on any outstanding loan accruing after the first day of January, 1864."

The amendment was adopted.

The Bill was read a third time, and upon the question "Shall the Bill pass?"

The yeas were, Senators Brunson, Boardman, Brown, Cutler, Cutts, Dixon, Foote, Flaugh, Gue, Hogin, Hillyer, Hesser, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Shippen, Udell, and Woolson—28.

The nays were, Senators Bassett, Bridges, Crookham, Henderson, Knoll, Stubbs, and Wharton—7.

Absent without excuse, Senators Burdick, Clarkson, Clark, Hart, and Roberts.

Bill passed and title agreed to.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following bill:

Senate File No. 241: "A Bill for an Act to amend and explain an Act passed by the Tenth General Assembly, entitled an Act to define the times of holding Courts in the Third Judicial District, approved January 25th 1864," without amendment.

And has rejected Senate File No. 233: "A Bill for an Act to provide for correcting the account of the State with Grundy county."

And has concurred in "Joint Resolution explanatory of Chapter 9 of the laws of the Tenth General Assembly, being an Act to

change the rate of interest upon warrants upon the State Treasurer."

And has passed Senate File No. 236: "A Bill for an Act for the relief of the families of soldiers and mariners in the service of the United States," with amendments, in which the concurrence of the Senate is respectfully asked.

Also, Senate File No. 111: "A Bill for an Act to amend Section 777 of the Revision of 1860," without amendment.

Also, House File No. 87: "A Bill for an Act to provide for the collection of money due the permanent school fund of the State of Iowa for the purchase of the Capitol Building, and for the release of certain school fund securities."

Senate File No. 143: "A Bill for an Act further defining the powers and duties of the Register of the State Land Office, and providing for a seal," with accompanying amendments, in which the concurrence of the Senate is respectfully asked.

Also, Senate File No. 7: "A Bill for an Act to change the time of holding County Courts in April and August," without amendment.

Senate File No. 236, with accompanying amendments, in which the concurrence of the Senate is respectfully asked.

And has indefinitely postponed Senate File No. 206: A Bill for an Act to authorize the Treasurer of the State University to loan the permanent fund of said University at an interest not less than eight per cent. per annum.

JACOB RICH, Chief Clerk.

House File No. 96: A Bill for an Act to apportion the State into Representative Districts, was taken up.

The amendments recommended by the Committee were adopted.

Senator Patterson moved to strike out of 57th Section the words "Cerro Gordo," and insert the word "Franklin," and strike out of 59th Section the word "Kossuth," and insert the words "Cerro Gordo," and strike out of 60th Section the word "Franklin," and insert the word "Kossuth."

The amendments were not adopted.

The bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Bridges, Clarkson, Clark, Foote, Gue, Hart, Hogin, Hurley, Hunt, Hatch, Knoll, King, McCrary of Van Buren, Moore, Merrill, Patterson, Saunders, Stubbs and Wharton--23.

The nays were, Senators Brown, Cutler, Crookham, Cutts, Dixon, Flaugh, Gray, Hillyer, Hesser, Hilsinger, McCrary of Lee, McLellan, Parvin, Ross, Shippen, Udell and Woolson--17.

Absent without excuse—Senators Cutler, Henderson, Jennings, and Roberts.

The bill did not pass.

On motion of Senator McCrary, of Lee, the vote was reconsidered by which the bill failed to pass.

Senator Brown moved to reconsider the vote by which the bill was ordered to a third reading.

The motion was lost.

On motion of Senator Clark a call of the Senate was made, and the absentees were Senators Jennings and Roberts.

On motion of Senator Dixon further proceedings under the call were dispensed with.

The question being "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Bridges, Cutler, Clarkson, Clark, Cutts, Foote, Gue, Hart, Hogin, Hurley, Hunt, Hatch, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Saunders, Stubbs, Shippen and Wharton—27.

The nays were Senators Brown, Crookham, Dixon, Flaugh, Gray, Hillyer, Hesser, Hilsinger, McJunkin, McMillan, Parvin, Ross, Udell and Woolson—14.

Absent and not excused—Senators Jennings and Roberts.

Bill passed and title agreed to.

Senate File No 180: A Bill for an Act to dispose of certain fees received by County Treasurers, was taken up.

The amendments recommended by the Committee were adopted.

The Bill was placed on file.

Senate File No. 210 : A Bill for an Act relating to the offices of County Recorder and Treasurer, and providing for their separation, was taken up.

The question being shall the Senate concur in the House amendments?

The yeas were, Senators Burdick, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gray, Gue, Hart, Hesser, Hatch, Hilsinger, Jennings, Knoll, King, McMillan, Ross, Saunders, Wharton and Woolson—22.

The nays were, Senators Bassett, Brunson, Brown, Bridges, Flaugh, Hogin, Hurley, Hillyer, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Merrill, Patterson, Parvin, Stubbs, Shippen, and Udell—18.

Absent without excuse—Senators Roberts and Hunt.

The Senate refused to concur.

Senator McCrary of Lee, offered the following as an amendment to the House amendment to Section 10 :

Strike out all after the word provided, at the end of Section 10, and insert as follows:

That nothing herein shall be so construed as to conflict with the laws now in force, authorizing a Recorder's office to be kept at the City of Keokuk, in Lee county, except that the deputy Recorder at said city of Keokuk shall be appointed by the county Recorder. Nor shall the provisions of this act be so construed as to conflict with the act of the 10th General Assembly, providing for the collection of certain taxes in said city of Keokuk, Lee

county, except that the County Treasurer shall appoint a deputy at Keokuk for the collection of such taxes, who shall receive as compensation a sum to be fixed by the Board of Supervisors, of not less than seven hundred dollars per annum.

The amendment was adopted.

On the question shall the Senate concur in the House amendment as amended?

The yeas were, Senators Burdick, Brunson, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hesser, Hunt, Hatch, Jennings, Knoll, King, McJunkin, McCrary, of Lee, McMillan, Merrill, Patterson, Ross, Saunders, Stubbs, Udell, Wharton and Woolson—31.

The nays were, Senators Bassett, Brown, Bridges, Hillyer, Hillsinger, McCrary, of Van Buren, Moore, Parvin and Shippen—9.

Absent without excuse, Senators Boardman, Clark, Henderson and Roberts.

The Senate concurred.

By consent Senator Dixon, from Committee on Claims, submitted the following report:

The Committee on Claims beg leave to report that they have examined the claim of Weeks & Foster for Abstract of Titles mortgaged to the School Fund by the members of the Capitol Association, and would recommend that the Committee of Ways and Means be instructed to provide in the Appropriation Bill for the payment of fifty dollars to the said Weeks & Foster.

House File No. 87: A Bill for an Act to provide for changing the names of counties, was taken up.

The Bill was read a first and second time.

On motion the rules were suspended and the Bill read a third time.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bridges, Cutler, Crookham, Clark, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hillsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—34.

The nays were, Senators Bassett, Brunson, Clarkson, Cutts and Patterson—5.

Absent without excuse—Senators Burdick, Brown and Roberts.
Bill passed and title agreed to.

Senate Substitute for Senate File Nos. 176 and 197, were taken up.

The question being "Shall the Senate concur in the House amendments?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hillsinger,

Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin Ross, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—37.

The nays were, Senator Clarkson—1.

Absent without excuse, Senators Cutler, Henderson, and Roberts.

The Senate concurred.

By consent, Senator Cutts offered the following resolution:

Resolved, That a committee of three be appointed whose duty it shall be to examine all bills now pending before the Senate and report such bills as, in their judgment, should first be considered and acted upon to subserve the best interests of the State. Said committee to make such report on or before two o'clock P. M., on Monday next.

The resolution was adopted.

By consent, Senator McJunkin submitted the following report:

Your Committee on Constitutional amendments, to whom was referred Joint Resolution proposing an amendment to Article Five of the Constitution of the State of Iowa to authorize the election of Judges of the Supreme Court by Districts, have had the same under consideration, and have instructed me to report the same back and say, that in the opinion of your committee no such amendment should be made, and therefore recommend its indefinite postponement.

The resolution proposing amendments to the Constitution fixing the compensation of members of the General Assembly and other amendments, we have had under consideration and have instructed me to report the same back, and state that in the opinion of your committee no such change as proposed is needed, and therefore they recommend its indefinite postponement.

J. F. MCJUNKIN, Chairman.

Senator Clarkson, from Committee on Agriculture, submitted the following report:

The Committee on Agriculture, to whom was referred petitions from the county of Clayton and others, asking for the passage of a law allowing hogs to run, in certain townships, at large, deem it inexpedient to legislate upon the subject.

Also, A petition of E. R. Hutchinson and others, asking that all stock be restrained from running at large or herded, recommend that the subject be indefinitely postponed.

Also, several petitions asking that stock be restrained during night time; recomind that the subject lie on the table.

The committee herewith return several petitions upon subjects previously reported and acted upon.

C. F. CLARKSON, Chairman.

The Committee on Agriculture, to whom was referred substitute for House File Nos. 130 and 153, and Senate File No. 69, being "A Bill for an Act to amend sections 1704, 1707, 1708, 1741, and

1742, of the Revision of 1860, in relation to Agricultural Fairs," have had the same under consideration, and they have directed me to report said substitute back and recommend its passage.

C. F. CLARKSON, Chairman.

Senate File No. 212½: A Bill for an Act to provide for the relief of the families of Iowa soldiers and further compensation thereby to such soldiers for their services, was taken up.

The question being, "Shall the Senate concur in the House amendments?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, and Woolson—33.

The nays were, Senators Bridges, Jennings, Knoll, King, and Wharton—5.

Absent without excuse, Senators McJunkin, Roberts, Shippen, and Udell.

The Senate concurred.

Senate File No. 143: A Bill for an Act further defining the powers and duties of the State Land Office, and providing for a seal, was taken up.

The question being, "Shall the Senate concur in the House amendments?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gray, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Wharton and Woolson—37.

The nays were, none.

Senator Udell excused.

Absent without excuse, Senators Bridges, Clarkson, Henderson, McJunkin and Roberts.

The Senate concurred.

House File No. 156: A Bill for an Act to change the names of counties, was taken up.

The Bill was read a first and second time.

On motion the 11th rule was suspended, and the Bill was read a third time.

The question being "Shall the Bill pass?"

The yeas were, Senators Brunson, Brown, Clarkson, Crookham, Clark, Cutts, Dixon, Flaugh, Gue, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Saunders, Shippen, Wharton and Woolson—27.

The nays were, Senators Bassett, Bridges, Cutler, Foote, Gray, Hurley, Hilsinger, Jennings, Knoll, Roberts and Stubbs—11.

Absent without excuse—Senator Burdick.

Bill passed and title agreed to.

Senate File No. 181: A Bill for an Act to legalize an appropriation made by the Mayor and Board of Aldermen of the town of Fort Madison, Lee county, Iowa, for the payment of bounties for volunteers in the military service of the United States, and to authorize the levy and collection of a special tax for the payment of the same, was taken up.

The Bill was read a third time.

On the question “Shall the Bill pass?”

The yeas were, Senators Bassett, Brunson, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, and Wharton—30.

The nays were, Senators Burdick, Brown, Gray, Jennings, and Merrill—5.

Absent without excuse, Senators Flaugh, Gue, Hart, Henderson, Roberts, and Woolson.

Bill passed and title agreed to.

On motion of Senator McCrary of Lee, the Senate adjourned till 7 o'clock, P. M.

SENATE CHAMBER,
Des Moines, Iowa, March 28th, 1864.

Senate convened at 9 o'clock A. M.

Prayer was offered by the Rev. Mr. Bird.

Journal of Saturday read and approved.

By consent, Senator Ross offered the following joint resolution:

Resolved, by the General Assembly of the State of Iowa, That the Adjutant General be directed to codify, with marginal references, and index, the Militia Laws of the State, and to publish not more than five thousand copies of the same, in pamphlet form, for the use of the Adjutant General in organizing the militia of the State.

The resolution was adopted.

By consent, Senator Cutts submitted the following report:

The Committee whose duty it was to examine the different bills, resolutions, &c., pending before the Senate, and report which should, in the opinion of the Committee, be first considered in order to subserve the best interests of the State, have discharged their duty, and beg leave to submit the following report:

Your Committee have divided the bills, resolutions, &c., into three classes: numbered respectively one, two and three, and recommend that the same be taken up and considered by the Senate in the order of such classification, commencing with number one.

In class number three your Committee have placed all of the bills and matters upon which the different standing and special Committees, to whom they have been referred, have respectively recommended indefinite postponement, or otherwise reported adversely. Your Committee are of the opinion that should none of the matters embraced in said class receive the consideration of the Senate, no material interest of the State would thereby suffer.

Your Committee further report that there are a number of bills in the hands of the different Committees to which your Committee have not had access; they, therefore, ask leave to make a supplemental report on or before 7 o'clock this evening, embracing matters not previously acted upon by the Committee.

By consent, Senator Foote, from Committee on Ways and Means, introduced Senate File No. 242: A Bill for an Act making appropriation for the payment of the per diem of the members and officers of the Tenth General Assembly, and for other purposes.

The bill was read a first and second time.

Senator Clarkson moved to strike out the claims of William B. Fairfield and Elisha Brady, for losses sustained while on their way to take the votes of Iowa regiments.

The yeas were, Senators Bassett, Bridges, Cutler, Crookham, Clark, Cutts, Foote, Hart, Hurley, Hillyer, Hesser, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—26.

The nays were, Senators Burdick, Brown, Cutler, Dixon, Gue, Hogin, Jennings, McMillan, Merrill and Patterson—10.

Absent without excuse—Senators Flaugh, Henderson, Hunt, Knoll and Udell.

The motion was adopted.

On motion, the 11th rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell and Wharton—38.

The nays were Senators Jennings, Knoll and Wharton—3.

Absent without excuse—Senators Flaugh and Foote.

Bill passed and title agreed to.

Received the following message from the House.

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following Bill:

Substitute for Senate File No. 105: A Bill for an Act to procure plans for an Asylum building for the Deaf and Dumb;” and has adopted the following Joint Resolutions:

Be it resolved by the General Assembly of the State of Iowa, That the State Auditing Board be and they are hereby authorized and empowered to audit and allow the claims of John Harper and Smith D. Conlee for horses lost while in the service of the State in the Northern Border Brigade, not to exceed, however, the appraised value of said horses.

Also, the following:

Be it resolved by the General Assembly of the State of Iowa, That the Auditing Board be directed to audit and allow the accounts due to claimants who furnished materials for the construction of stockade in the fall of 1862, at Spirit Lake, Dickinson Co., in this State, for the protection of settlers against the attacks of hostile Indians.

In which the concurrence of the Senate is respectfully asked.

And has indefinitely postponed Senate File No. 192: A Bill for an Act to allow the County Board of Supervisors of any organized county to assume the payments of any obligation heretofore executed by the trustees of any township for the construction of bridges, &c.

And passed House File No. 162: A Bill for an Act for the relief of Christophe Miller.

JACOB RICH, Chief Clerk.

Senator Hilsinger offered the following resolution:

Resolved, That no member shall speak longer than five minutes on any question.

Senator Jennings moved that the resolution be indefinitely postponed.

On this motion, the yeas and nays being demanded, were as follows:

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Cutler, Clarkson, Clark, Cutts, Dixon, Henderson, Hurley, Jennings, Knoll, King, McCrary of Lee, Patterson, Roberts, Saunders, Stubbs, Udell, and Woolson—21.

The nays were, Senators Bridges, Crookham, Foote, Gue, Hart, Hogin, Hillyer, Hesser, Hatch, Hilsinger, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Shippens, Udell, and Woolson—20.

Absent without excuse, Senators Boardman, Flaugh and Hunt.

The motion to indefinitely postpone was adopted.

Received the following message from the house:

MR. PRESIDENT:—I am directed to request the honorable Senate to return to the House, Senate File No. 233 : A Bill for an Act to

provide for correcting the accounts of the State with Grundy County.

JACOB RICH, Chief Clerk.

REPORTS OF COMMITTEES.

By Senator McJunkin :

To the Senate :— Your Committee on Incorporations to whom was referred Substitute for House File No. 84, entitled "a Bill for an Act granting to the Cedar Rapids and Missouri River Railroad Company the right to construct and operate their road over the streets of the cities of Lyons and Clinton," have had the same under consideration and have instructed me to report that in the opinion of your Committee, such legislation would be *clearly in violation* of the Constitution of the State of Iowa; and further, that in the opinion of your Committee, no further legislation is needed on the subject of said bill. Your Committee, therefore, recommend that the bill be indefinitely postponed.

By Senator Parvin :

The Committee on Enrolled Bills have examined House File No. 47: "An Act granting a right of way to open and drain coal mines."

Also, House File No. 127: "An Act providing for the formation of the Twelfth Judicial District, and fixing the times of holding court in the Tenth and Eleventh Judicial Districts and providing for the election of District Judge and District Attorney in the Twelfth Judicial District."

Also, House File No. 169: "An Act directing the distribution of the Adjutant General's and Supreme Court Reports."

Also, House File No. 176: "An Act relating to the Report of the Adjutant General for 1866."

Also, Senate File No. 225: "An Act requiring clerks of District Courts to certify to applications for pensions and other papers, and regulating fees for the same."

Also, Senate File No. 21: "An Act to provide for taking depositions to be used in county courts."

Also, Senate File No. 241: "An Act to amend and explain an act passed by the Tenth General Assembly, entitled An Act to define the times of holding court in the Third Judicial District, approved January 25th, 1864."

Also, House File No. 156: "An Act authorizing counties to change their names."

Also, Senate File No. 111: "An Act to amend section 777 of the Revision of 1860."

Also, Senate File No. 231: "An Act for the relief of the families of soldiers and marines in the service of the United States."

Also, Senate No. 143: "An Act further defining the duties and powers of the Register of the State Land Office, and providing for a seal."

Also, A Joint Resolution "explanatory of Chapter 9 of the Laws of the Tenth General Assembly."

Also, Senate File No. 60: "An Act to amend Chapter 172 of the acts of the Ninth General Assembly, passed April 8th, 1862, entitled An Act to amend and consolidate an act passed by the Board of Education, December 24th, 1859, entitled An Act to amend An Act entitled An Act to provide a system of common schools, and the amendments thereto."

Also, Senate File No. 7: "An Act to change the time of holding county courts in April and August," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

By Senator Woolson:

The Committee on County and Township Organizations have duly considered House File No. 116, and have made the following amendments thereto, and as thus amended recommend its passage, viz:

Strike out all after the words "real estate," in the 3d line of the 1st Section, and insert the accompanying amendment.

This amendment amends the bill only by striking out the provision for a "description book" and "index book," and confining the bill to this alteration, and one other amendment, providing that only such deeds as purport to convey the fee shall be transferred.

T. W. WOOLSON,
For the Committee.

By Senator Udell:

The Committee on Military Affairs have had under consideration Senate File No. 220: An Act to amend Chapter 10 of the Acts of the Extra Session of the Eighth General Assembly, in relation to the Auditing Board, and have instructed me to report the same back, and recommend its passage.

Also Senate File No. 217, on the same subject, and recommend its indefinite postponement.

By Senator Clarkson:

The Committee on Agriculture, to whom was referred Senate File No. 110: "An Act to prevent swine from running at large," have had the same under consideration.

And, also, a petition of C. B. Ropes, and several other citizens of Fayette county, praying for the passage of such a law.

The majority of the Committee believing the passage of the bill under consideration would be a virtual repeal of the Act of 1857, commonly known as the hog law, and believing the people do not ask or will sustain so radical a change on that subject, the majority of the Committee have directed me to report the bill back, with a recommendation that it be indefinitely postponed.

By Senator Brunson, the following minority report:

The undersigned members of the Committee on Agriculture, dis-

senting from the conclusions arrived at by the majority of the Committee in reference to the propriety of passing Senate File No. 110: Being an Act to restrain swine from running at large, beg leave to submit the following minority report:

We believe it to be to the interest of the people of the State, and in accordance with the wishes of a large majority of the same, that a law be passed by the present Assembly restraining swine from running at large, the only opposition to the measure arising from those living in and along the lines of timber where materials for fencing are abundant, and therefore where with little expense swine can be secured, while the large majority of the farmers of the State have but little timber, and that at a long distance from their farms, and therefore unable to fence against swine, are calling loudly for a law compelling every man to keep them upon his own premises. In view of these facts we earnestly protest against the report of the majority, and recommend that the bill pass.

H. S. BRUNSON,
J. HILSINGER,
Wm. P. KING.

By Senator Jennings:

Your Committee to whom was referred Substitute for House File Nos. 102 and 150: "A Bill for an Act in relation to Life and Fire Insurance Companies, have had the same under consideration and have instructed me to report the same back, with a recommendation that it be indefinitely postponed.

JENNINGS.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has adopted the accompanying Joint Resolution, in which the concurrence of the Senate is respectfully asked.

JACOB RICH,
Chief Clerk House Representatives.

House File No. 73: A Bill for an Act authorizing the Trustees of Iowa State Agricultural College and Farm to sell all the lands acquired, granted, donated or appropriated for the benefit of said College, and to make an investment of the proceeds thereof, was taken up.

The amendments recommended by the Committee were adopted.
The Bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flauth, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, Jennings, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen and Wharton—36.

The nays were, Senator Woolson—1.

Absent without excuse—Senators Henderson, Knoll, McCrary of Lee, Merrill and Udell.

Bill passed and title agreed to.

Substitute for Senate File No. 191 : A Bill for an Act to amend Article 3, of Chapter 67, of the Revision of 1860, was taken up.

Senator Brown moved to amend Section 1, by striking out the word and figures “Section 1734.”

The amendment was not adopted.

The Bill was read a third time, and upon the question “Shall the Bill pass?”

The yeas were, Senators Bassett, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Roberts, Saunders, Shippen, and Wharton—36.

The nays were, Senators Knoll, Stubbs, and Udell—3.

Absent without excuse, Senators Burdick, Patterson, and Woolson.

Bill passed and title agreed to.

Substitute for House File Nos. 130 and 153, and Senate File No. 69 : A Bill for an Act to amend Sections 1704, 1707, 1708, 1741 and 1742 of the Revision of 1860, in relation to agricultural laws, was taken up.

The Bill was read a third time, and on the question “Shall the Bill pass?”

The yeas were, Senators Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Roberts, Saunders, Stubbs, Shippen, and Wharton—36.

The nays were, none.

Absent without excuse, Senators Bassett, Hart, Henderson, Patterson, Ross, Udell, and Woolson.

Bill passed and title agreed to.

Substitute for House File No. 152 : A Bill for an Act to enable incorporate towns and cities to acquire, hold, improve, and dispose of lands for public squares, parks, commons, and cemeteries, was taken up.

On motion of Senator Ross, the second Section was amended by inserting in the 10th line, after the word “claims,” the words “of any such towns or cities.”

The Bill was read a third time, and on the question “Shall the Bill pass?”

The yeas were, Senators Bassett, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hunt, Hatch, Hil-

singer, Jennings, Knoll, King, McCunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Saunders, Stubbs, Shippen, Udell, and Wharton—37.

The nays were, Senators Burdick, Hesser, Parvin, and Udell—4.

Senator Woolson, excused.

Absent and not excused, Senator Roberts.

Bill passed and title agreed to.

Senate File No. 240 : A Bill for an Act for the benefit of the orphan children of deceased Iowa soldiers, and for other purposes, was taken up.

The bill was read a first and second time.

Senator Gue moved to suspend the 11th rule.

The motion was lost.

Senate File No. 107: A Bill for an Act authorizing the Governor to return lands erroneously approved to the State.

The substitute reported by the Committee was adopted.

The bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Cutler, Crookham, Clark, Cutts, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, King, McCunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—38.

The nays were, Senators Clarkson, Henderson, Knoll, and Patterson—4.

Absent without excuse—Senator Boardman.

Bill passed and title agreed to.

On motion of Senator Woolson Senate went into Executive Session.

At 12 M. Senate returned to open session.

By consent, Senator Dixon submitted the following report:

The Committee on Claims have had under consideration the claims of the estate of E. Morgan, Edward Johnson, and J. E. Jewett, for services as Commissioners of the State, and finding the claims already provided for, would recommend that they be not allowed.

The report was adopted.

Senate File No. 146: A Bill for an Act fixing fiscal term for State Institutions when reports shall be made, and their distribution, was taken up.

The bill was read a third time, and on the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McCrary of Lee, McCrary, of

Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Udell, Wharton and Woolson—37.

The nays were, Senators Henderson, Roberts and Stubbs—3.

Absent without excuse, Senators Boardman, McJunkin, and Shippen.

Bill passed and title agreed to.

On motion, the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at 2 o'clock, P. M.

Senator Wilson offered a substitute for Senate File No. 162: A Bill for an Act entitled an act to legalize the levy and collection of certain taxes within the corporate limits of Sioux City.

The Substitute was adopted.

The bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bassett, Brunson, Brown, Bridges, Crookham, Clark, Dixon, Gue, Henderson, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Patterson, Parvin, Saunders and Woolson—24.

The nays were, Senators Burdick, Boardman, Clarkson, Hillyer, Jennings, Knoll, Parvin, Stubbs, Shippen and Wharton—10.

Absent without excuse—Senators Cutler, Catts, Foote, Hart, Merrill, Roberts and Udell.

Bill passed and title agreed to.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has concurred in the first three Senate amendments to House File No. 46: A Bill for an Act to provide for the loan of the permanent fund, &c., and has refused to concur in the last amendment to Section 8.

And has passed Senate File No. 198: A Bill for an Act to authorize the construction of Railroad bridges across the Mississippi and Missouri Rivers, with the following amendment: Striking out Section 10, in which the concurrence of the Senate is respectfully asked.

And has concurred in Senate amendments to House File No 96 : A Bill for an Act apportioning the State of Iowa into Representative districts.

And passed Senate File No. 241: "A Bill for an Act making appropriations for the per diem of members and officers of the 10th General Assembly," without amendment.

JACOB RICH, Chief Clerk.

Senate File No. 219: A Bill for an Act to abolish the Board of auditing Commissioners.

The Bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Dixon, Flaugh, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Patterson, Ross, Saunders, Stubbs, Shippen, Wharton and Woolson—34.

The nays were, Senator Parvin—1.

Absent without excuse—Senators Cutts, Foote, Gue, Hart, Merrill, Roberts, and Udell.

Bill passed and title agreed to.

By consent, Senator Patterson submitted the following report:

Your Committee on Township and County Organization, have had under consideration House File, No. 157: A Bill for an Act permitting real estate to be sold at tax sale for less than the taxes, interest and costs due thereon, in certain cases, and a majority of said Committee have instructed me to report the same back and recommend its passage.

Senate File No. 119: A Bill for an Act authorizing municipal authorities to discriminate in favor of farming lands, within corporate limits, in imposing taxes for city and town purposes, was taken up.

Senator Woolson offered the following amendment as a new section.

SECTION 2. The City Council of any city incorporated under a special act of incorporation, may adopt any part of Chapter 51, of the Revision of 1860, as additional to the provisions of the Charter, whenever, in the unanimous opinion of such Council, it is desirable to do so, and upon such adoption such Council shall cause the same to be entered on its records and a certified copy thereof published for four weeks in some newspaper printed in said city, if there be one, and if there be no newspaper so printed, then a copy shall be posted in three of the most public places in said city for four weeks, and from the expiration of said time, the part so adopted shall be a part of the charter of said city.

The amendment was adopted.

On motion of Senator Clarkson, the word "street" was stricken out of the tenth line of Section 1.

The Bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Clarkson, Crookham, Clark, Dixon, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Ross, Roberts, Saunders, Shippen and Woolson—26.

The nays were, Senators Bassett, Burdick, Brunson, Boardman,

Brown, Bridges, Flaugh, Merrill, Patterson, Parvin, Stubbs and Wharton—12.

Absent without excuse, Senators Cutts, Foote, Gue, Henderson and Udell.

Bill passed and title agreed to.

Message from the House by its Chief Clerk.

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following Bills:

Senate File No. 181: A Bill for an Act to legalize certain acts of the Board of Mayor and Aldermen of the town of Fort Madison, &c.

And Senate File No. 243: A Bill for an Act to authorize the Governor to appoint Aids-de-Camp.

Also, Senate File No. 85: A Bill for an Act to provide for the compensation of printers for publishing legal notices in certain cases, without amendment; and has receded in its amendments to Senate File No. 210, which the Senate refused to concur in, and has concurred in Senate amendments to the Bill; and passed Senate File No. 239 without amendment.

Also, passed the following Joint Resolutions:

Resolved by the General Assembly of the State of Iowa, That the Adjutant General be directed to codify, with marginal references and index, the Militia Laws of the State, and to publish not more than 5,000 copies of the same in pamphlet form, for the use of the Adjutant General in organizing the Militia of the State.

Resolved, That the Auditor of State be and is hereby instructed to place to the credit of Monona County the sum of three hundred and nineteen dollars and forty-one cents, (\$319-41-100,) which, on the fifth day of August, A. D. 1857, was paid by William Burton, Treasurer of said county, to the order of John Pattee, Auditor of State, and has never been placed to the credit of said county, and charge the same to the account of John Pattee; *Provided*, Said Monona County shall first pay into the State Treasury the sum of six hundred and forty-nine dollars and sixty-six cents, (\$649-66-100,) being the balance for which said Burton is in default after deducting the above credit.

I am also directed to request the honorable Senate to return to the House, Senate File No. 198: A Bill for an Act relating to bridging the Mississippi and Missouri Rivers.

JACOB RICH, Chief Clerk.

By consent, Senator Moore submitted the following report:

The Committee on Military Affairs beg leave to report that Senate File No. 163: A Bill to organize and discipline the militia, as reported by the Committee provided for the appointment of four Aids-de-Camp by the Governor, but by some means this provision was omitted in the printed bill, and was passed without being noticed at the time. Your Committee, deeming it important, have

instructed me to report the accompanying Bill and recommend its passage.

Senate File No. 243 : A Bill for an Act to authorize the Governor to appoint Aids-de-Camp, was called up and read a first and second time.

The eleventh rule was suspended and the Bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Crookham, Clark, Dixon, Flaugh, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton, and Woolson—34.

The nays were, Senators Boardman, Clarkson, and Patterson —3.

Absent without excuse, Senators Cutts, Foote, Gue, Henderson, and Udell.

Bill passed and title agreed to.

Senate File No. 239 : A Bill for an Act to apportion the State into Senatorial Districts, was taken up.

The Bill was read a first and second time.

On motion of Senator Brown, the word "fifth" was stricken out of the sixth Section and the word "sixth" was inserted, and the word "sixth" in the seventh Section was stricken out and the word "fifth" inserted.

Senator Stubbs offered the following amendment:

Section 47. That nothing in this Act shall affect the Senators now elected, although the numbers of those districts under present laws may be the same as provided for in this Act: *Provided*, That the Senators to be elected at the October election in the year 1865 in Districts Nos. 40 and 45, shall hold their term of office for the term of four years.

The amendment was adopted.

The eleventh rule was suspended, and the Bill read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Cutler, Clarkson, Crookham, Cutts, Foote, Flaugh, Hart, Hogin, Hurley, Hesser, Hunt, Hatch, Jennings, Knoll, McJunkin, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders, Stubbs, Shippen, Udell, and Wharton—32.

The nays were not accounted for by the Journal Clerk.

Bill passed and title agreed to.

Senate File No. 229: A Bill for an Act to provide for issuing State Bonds in all cases of indebtedness on the part of the State to the permanent school fund and for other purposes, was taken up.

Senator Woolson offered the following amendment:

Section 3. The Auditor is authorized and required to audit all

losses to the school fund as provided in Section 3 of Article 7 of the Constitution ; and for this purpose he shall prescribe such regulations for the conduct of officers having such funds in charge as he shall deem necessary to ascertain such losses.

The amendment was adopted.

The Bill was read a third time, and upon the question "Shall the Bill pass?"

The yeas were, Senators Boardman, Brown, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Gue, Hart, Hogin, Hurley, Hesser, Hatch, Hilsinger, King, McCunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton, and Woolson—30.

The nays were, Senators Burdick, Flaugh, Hillyer, Hesser, Jennings, Knoll, and Udell—7.

Absent without excuse, Senators Bridges, Clark, Henderson, and Patterson.

Bill passed and title agreed to.

Senate File No. 141 : A Bill for an Act to amend Chapter 45 of the Revision of 1860 in relation to revenue.

The Bill was read a third time, and on the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hilsinger, Jennings, Knoll, King, McCunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Stubbs, Udell, Wharton, and Woolson—37.

The nays were, none.

Absent and not excused, Senators Boardman, Gue, Henderson, and Hatch.

Bill passed and title agreed to.

Senate File No. 172 : A Bill for an Act supplementary and amendatory to Chapter 84 of the Acts of the Regular Session of the Ninth General Assembly of the State of Iowa, being an Act to prevent fraud in ware-housemen and others.

The Bill was read a third time, and upon the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McCunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton, and Woolson—41.

The nays were, none.

Absent without excuse, Senators Clarkson and Henderson.

Bill passed and title agreed to.

House File No. 80 : A Bill for an Act entitled An Act provid-

ing for auditing the account of J. L. Mason, of Bentonsport, Iowa, was taken up.

The bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Brunson, Brown, Cutler, Crookham, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, McMillan, Merrill, Saunders, Stubbs, Shippen, and Woolson—29.

The nays were, Senators Bassett, Burdick, Bridges, Clark, Moore, Patterson, Parvin, Udell, and Wharton—9.

Absent and not excused, Senators Boardman, Clarkson, Henderson, Ross, and Roberts.

Bill passed and title agreed to.

Senate File No. 169: A Bill for an Act to provide for the publication and distribution of the Laws of 10th General Assembly of the State of Iowa, was taken up.

On motion of Senator Woolson, section 5 was amended by striking out the words, "and one copy to each municipal officer of each incorporated town and city."

The bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Brunson, Boardman, Brown, Cutler, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McCrary, of Lee, McCrary, of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, and Udell—34.

The nays were, Senators Burdick and Hillyer—2.

Absent and not excused, Senators Bridges, Cutts, Henderson, McJunkin, Ross, Wharton, and Woolson.

Bill passed and title agreed to.

Senate File No. 221: A Bill for an Act to legalize the official acts of certain Notaries Public, was taken up.

Senator Knoll moved as an amendment:

"Section 7. Legalizing the official acts of W. R. Mead, a Notary Public of Howard county."

The amendment was adopted.

Senator McCrary, of Lee, offered as an amendment:

"Section 8. Legalizing the official acts of J. A. Cramer, a Notary Public in and for Clayton county."

The amendment was adopted.

The bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Brunson, Boardman, Cutler, Crookham, Clark, Cutts, Dixon, Foote, Hogin, Hesser, Hunt, Hatch, Hilsinger, Jennings, McJunkin, McCrary of Lee, McCrary

of Van Buren, Moore, McMillan, Ross, Roberts, Saunders, and Stubbs—24.

The nays were, Senators Burdick, Brown, Flaugh, Gue, Hart, Hurley, Hillyer, Knoll, King, Merrill, Patterson, Parvin, Shippen, and Udell—14.

Absent and not excused, Senators Bridges, Clarkson, Henderson, Wharton, and Woolson.

Bill passed and title agreed to.

Senate File No. 214: A Bill for an Act legalizing the acts of A. H. Patterson, a Notary Public of Washington county, was taken up.

The bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McJunkin, McCrary, of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, and Wharton—36.

The nays were, none.

Absent without excuse, Senators Boardman, Brown, Hart, Henderson, Jennings, and Woolson.

Bill passed and title agreed to.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has adopted the following Joint Resolution:

Resolved by the General Assembly of the State of Iowa, That all laws passed by the Tenth General Assembly of the State of Iowa which are or were to take effect by publication in the papers of the State, shall be published in the "Iowa Weekly Statsman," a newspaper published at Des Moines: Provided, That this resolution shall not authorize the republication of any law that has been officially published in the Daily or Weekly Statesman.

In which the concurrence of the Senate is respectfully asked.

The House has also passed Senate File No. 146: A Bill for an Act fixing the fiscal term for State Institutions, without amendment.

And has refused to concur in Senate amendments to substitute for House File No. 152.

And has indefinitely postponed Senate File No. 119.

And has laid on the table Senate File No. 107: A Bill for an Act authorizing the Governor to release land erroneously patented or approved.

The House has also passed the following Joint Resolution:

Resolved by the General Assembly, That the Secretary of State be requested to take charge of and forward to the officers and members of the Tenth General Assembly, all mail matter coming to the post office at Des Moines after the adjournment of this Gen-

eral Assembly, including the weekly newspapers of the city of Des Moines, published during the present week.

And passed House File No. 114: "A Bill for an Act making further appropriations for the selection and platting of the Agricultural College Lands."

In all of which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

Senate File No. 220: A Bill for an Act to amend Chapter 10 of the acts of the Extra Session of the 8th General Assembly, in relation to the Auditing Board, was taken up.

The Bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Cutts, Dixon, Foote, Gue, Hogin, Hurley, Hesser, Hunt, Hatch, Hilsinger, Knoll, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippenn, Udell, and Wharton—32.

The nays were, Senators Clarkson, Flaugh, Hart, King, McJunkin, and Woolson—6.

Absent without excuse, Senators Clark, Henderson, and Hillyer.

Bill passed and title agreed to.

House File No. 162: A Bill for an Act for the relief Christopher Miller, was taken up.

The bill was read a first and second time.

The Joint Resolution in reference to accounts of Monona county, was taken up.

The resolution was read a first and second time.

On motion of Senator McCrary, of Lee, the following was added to the resolution:

"And the Attorney General is directed to proceed to collect the sum paid to Charles Foster, upon the order of John Pattee, Treasurer of State, from the said Foster, or from said Pattee and his sureties."

House File No. 116: A Bill for an Act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue, was taken up.

The amendments recommended by the committee were adopted.

The bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Udell, Wharton, and Woolson—32.

The nays were, Senators Bassett, Burdick, Brunson, Brown, Knoll, Parvin, and Stubbs—7.

Absent without excuse, Senators Boardman, Flaugh, and Jennings.

Bill passed and title agreed to.

Senator McCrary, of Lee, moved that when the Senate adjourn it adjourn till 7½ o'clock P. M.

The motion was adopted.

On motion of Senator Dixon, the Senate adjourned.

EVENING SESSION.

The Senate convened at 7½ o'clock, P. M.

House File No. 157: A Bill for an Act permitting real estate to be sold at tax sale for less than the taxes, interest and costs due thereon, in certain cases, was taken up.

The bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Dixon, Hurley, Hesser, Hunt, Hatch, Jennings, Knoll, King, McCrary of Lee, McCrary of Van Buren, Merrill, Patterson, Ross, Saunders and Stubbe—15.

The nays were, Senators Bassett, Burdick, Brunson, Brown, Clarkson, Crookham, Clark, Dixon, Foote, Flaugh, Hart, Hillyer, Hilsinger, Moore, McMillan, Parvin, Udell, Wharton and Woolson—17.

Absent without excuse—Senators Boardman, Bridges, Cutler, Cutts, Gue, Henderson, Hogin, McJunkin, Roberts and Shippen.

The bill did not pass.

House File No. 114: A bill for an Act for making further appropriations for the selection and platting of the Agricultural College lands, was taken up.

The bill was read a first and second time.

Joint resolution in reference to the abolition of slavery, was taken up.

On the adoption of the resolution Senator Stubbs demanded the yeas and nays.

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hunt, Hatch, Hilsinger, King, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Saunders Stubbs, Udell, Wharton and Woolson—34.

The nays were, Senators Dixon, Hesser, Jennings, and Knoll—4.

The resolution was adopted.

House File No. 152: A Bill for an Act to enable incorporated towns and cities to hold, improve and dispose of lands for public squares, parks, commons and cemeteries, was taken up.

The House having refused to concur in the Senate amendments,

and the question being "Shall the Senate recede from its amendments," the Senate refused to recede.

By consent, Senator McCrary, of Lee, offered a joint resolution to correct a joint resolution in relation to claim of S. F. Pierce.

The resolution was adopted.

House File No. 46 : A Bill for an Act to provide for the loan of the permanent school fund, and fixing the rate of interest thereon, and limiting the price at which school lands may be sold, and for other purposes, was taken up.

The House having refused to concur in the Senate amendments Senator Boardman moved that the Senate recede from its amendments.

The motion was adopted.

Substitute for House File Nos. 25 and 15 : A Bill for an Act providing for the election of certain officers, and for the filling of vacancies, was indefinitely postponed.

Senate File No. 207 : A Bill for an Act to amend Section 190 of the Revision of 1860, was taken up, and the substitute reported by the Committee was adopted.

The bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Shippen, Udell and Woolson—38.

The nays were, Senators Hilsinger, Parvin, Stubbs and Wharton—4.

Absent without excuse—Senator Henderson.

Bill passed and title agreed to.

House File No. 165 : A Bill for an Act to amend Section 4374 of Chapter 173, of the Revision of 1860, was taken up.

The Bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Hogin, Hillyer, Hesser, Hunt, Hatch, Jennings, Knoll, King, McJunkin, McCrary, of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Shippen, Wharton and Woolson—37.

The nays were, Senators Gue, Hilsinger and Stubbs—3.

Absent without excuse—Senators Clark, Henderson, Hurley and Udell.

Bill passed and title agreed to.

House File, No. 114 : A Bill for an Act making a further appropriation for the selection and platting of the Agricultural College Land.

The 11th rule was suspended and the Bill was read a third time.
On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Boardman, Bridges, Cutler, Clarkson, Gue, Hart, Henderson, Hogin, Hunt, Hatch, King and Roberts—14.

The nays were, Senators Brunson, Brown, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Hurley, Hillyer, Hesser, Hilsinger, Jennings, Knoll, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Stubbs, Shippen, Udell, Wharton and Woolson—28.

Absent without excuse, Senators Patterson and Saunders.

The Bill did not pass.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following bill:

Senate File No. 191: "A Bill for an Act to amend Article 3, of Chapter 67, of the Revision of 1860," with amendments, in which the concurrence of the Senate is respectfully asked.

And has concurred in Senate amendments to House File No. 73: A Bill for an Act authorizing the Trustees of the Iowa State Agricultural College and Farm to sell lands, &c."

And passed Senate File No. 219: A Bill for an Act for the relief of Myron Collins, William L. Thomas, Matthew T. Dimond and others, without amendment.

And passed Senate File No. 198: A Bill for an Act to authorize the construction of Railroad bridges across the Mississippi and Missouri Rivers, with amendments.

Also, Substitute for House File No. 172: A Bill for an Act in relation to costs and expenses in certain suits.

The House has also passed Senate File No. 187: A Bill for an Act to direct the Adjutant General to make a report, January 1st, 1865, and to provide for publishing and distributing the same, without amendment, in which the concurrence of the Senate is respectfully asked.

JACOB RICH,
Chief Clerk House Representatives.

Senate File No. 198: A Bill for an Act to authorize the construction of Railroad bridges across the Mississippi and Missouri Rivers was taken up.

Senator Dixon moved to lay the Bill on the table.

On this question the yeas and nays being demanded,

The yeas were, Senators Brunson, Boardman, Brown, Clarkson, Cutts, Dixon, Hart, McCrary of Van Buren and McMillan—9.

The nays were, Senators Bassett, Burdick, Bridges, Cutler, Crookham, Clark, Foote, Flaugh, Henderson, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McCrary of Lee, Moore, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—31.

Absent and not excused—Senators Gue, Hogin and Udell.

The motion to table was lost.

Senator Foote moved that the Senate do not concur in the House amendments.

Senator Jennings moved the previous question, which was seconded.

The question being upon Senator Foote's motion;

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Ross, Roberts, Saunders, Stubbs, Shippen, Wharton and Woolson—42.

The nays were, none.

Absent and not excused—Senator Udell.

The Senate refused to concur in the House amendment.

Senator Stubbs, by consent, called up Senate File No. 151: A Bill for an Act to provide for the better security and collection of debts due to the State of Iowa or for the use and benefit of the State.

The question being upon the adoption of the substitute, the substitute was not adopted.

The bill was read a third time.

The question being "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Flaugh, Hart, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Knoll, King, McCrary of Lee, McCrary, of Van Buren, Moore, McMillan, Merrill, Parvin, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—35.

The nays were, Senators Boardman, McJunkin, Patterson and Ross—4.

Bill passed and title agreed to.

Received the following message from the House.

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following Bill:

Senate File No. 208: A Bill for an Act to provide for publishing general laws in certain German newspapers, without amendment.

Also House File No. 174: A Bill for an Act to amend Section 1079, of Chapter 51, of the Revision of 1860.

And substitute for House File No. 175: A Bill for an Act fixing the compensation of Township Clerks in certain cases.

The House has also passed House substitute for Senate File No. 237: A Bill for an Act to provide for the settlement of the claims of the State against Winterbotham & Jones.

In which the concurrence of the Senate is respectfully asked.

I am also directed to inform the honorable Senate that the House has refused to recede from its amendment to Senate File No. 198, and has appointed Messrs. Paulk and Pritchard a Committee of Conference on part of the House, and ask that a similar Committee be appointed on the part of the Senate.

JACOB RICH, Chief Clerk.

Message from the House—Senate File No. 198, was called up.

On motion of Senator Dixon Senators Foote and Henderson were appointed a Committee of Conference on the part of the Senate.

The joint resolution in reference to mail facilities, was taken up. The amendments recommended by the Committee were adopted. The resolution was adopted.

Senate File No. 227: A Bill for an Act in relation to enlistments in this State, was taken up.

The Bill was read a third time.

On the question "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Boardman, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Flaugh, Gue, Hogin, Hurley, Hillyer, Hesser, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Saunders, Shippen and Udell —32.

The nays were, Senators Dixon, Hart, Parvin, Ross, Roberts, Wharton and Woolson—7.

Absent without excuse, Senators Hunt and Stubbs.

Bill passed and title agreed to.

By consent, Senator Cutts offered the following resolution:

Resolved, That all messages from the House of Representatives be placed in class number one, and so considered, without referring the same to the Special Committee appointed by the Senate to report what measures should be first considered.

The resolution was adopted.

The joint resolution in reference to postal matter of the Members of the Tenth General Assembly, was taken up and adopted.

Joint resolution in reference to publishing the laws of the Tenth General Assembly in the Iowa Statesman, was taken up.

Senator Clarkson moved that the resolution be indefinitely postponed.

On this motion the yeas and nays were demanded, and were as follows:

The yeas were, Senators Brown, Bridges, Clarkson, Cutts, Dixon, Hart, Hurley, Hillyer, Hilsinger, Moore, McMillan, Merrill, Parvin, Ross, Stubbs, Udell, Wharton, and Woolson—18.

The nays were, Senators Bassett, Burdick, Brunson, Boardman, Cutler, Crookham, Clark, Flaugh, Gue, Hesser, Hunt, Jennings, Knoll, King, McJunkin, Roberts, Saunders, Shippen, and Udell —19.

Absent without excuse, Senators Hatch, McCrary of Lee, McCrary of Van Buren, and Patterson.

The motion to indefinitely postpone was lost.

Senator Hart moved to lay the resolution on the table.

On this motion the yeas and nays were demanded, and were as follows:

The yeas were, Senators Bassett, Boardman, Brown, Bridges, Clarkson, Cutts, Dixon, Hart, Hurley, Hillyer, Hilsinger, Moore, McMillan, Merrill, Parvin, Ross, Stubbs, Shippen, Wharton, and Woolson—20.

The nays were, Senators Burdick, Brunson, Cutler, Crookham, Clark, Flaugh, Gue, Hogin, Hesser, Hunt, Jennings, Knoll, King, Roberts, Saunders, and Udell—16.

The motion prevailed.

Senate File No. 191: A Bill for an Act to amend Section 1734 of Chapter 67 of the Revision of 1860, was taken up.

The question being, "Shall the Senate concur in the House amendments?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Clarkson, Crookham, Clark, Dixon, Flaugh, Hogin, Hillyer, Hunt, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Ross, Roberts, Saunders, Stubbs, Shippen, and Udell—28.

The nays were, Senators Boardman, Cutler, Cutts, Gue, Hart, Hurley, Hesser, Hilsinger, Parvin, Wharton, and Woolson—11.

Bill passed and title agreed to.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has passed the following Bills:

Senate Substitute for House File No. 162: A Bill for an Act entitled an Act to legalize the levy and collection of certain taxes in certain cities and towns, with an amendment.

Also, Senate File No. 221: A Bill for an Act to legalize the official acts of certain Notaries Public, with amendments.

Also, Senate File No. 220: A Bill for an Act to amend Chapter 10 of the Acts of the Extra Session of the Eighth General Assembly in relation to the Auditing Board, without amendments.

In which, the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

House File No. 172: A Bill for an Act in relation to costs and expenses in certain suits, was taken up.

The Bill was read a first and second time, and referred to the Judiciary Committee.

House File No. 174: A Bill for an Act to amend Section 1079 of Chapter 51 of the Revision of 1860, was taken up.

The Bill was read a first and second time.

On motion of Senator Crookham, the publication clause was stricken out.

The eleventh rule was suspended, and the Bill was read a third time.

On the question "Shall the Bill pass?"

[Yea^s and nays omitted by the Journal Clerk.]

House File No. 175: A Bill for an Act fixing the compensation of Township Clerks in certain cases, was taken up.

The Bill was read a first and second time, and referred to Committee on Roads.

Substitute for Senate File No. 237: A Bill for an Act to provide for a settlement of the claims of the State against Winterbothom & Jones.

The bill was read a first and second time.

On motion, the 11th rule was suspended and the bill was read a third time.

On the question, "Shall the Bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Dixon, Flaugh, Hurley, Hillyer, Hesser, Hunt, Hatch, Hillsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Parvin, Saunders, Stubbs, Shippen, Wharton and Woolson—32.

The nays were, Senators Boardman, Gue, Hart, Hogin, Knoll, Ross and Roberts—7.

Absent and not excused—Senators Foote, Henderson, Jennings and Udell.

Bill passed and title agreed to.

Senate File No. 221: A Bill for an Act to legalize the official acts of certain Notaries Public, was taken up.

The question being, "Shall the Senate concur in the House amendments?"

The yeas were, Senators Bassett, Brunson, Boardman, Bridges, Cutler, Crookham, Cutts, Dixon, Foote, Henderson, Hogin, Hesser, Hunt, Hatch, Hillsinger, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Roberts, Saunders, and Wharton—24.

The nays were, Senators Burdick, Brown, Clarkson, Clark, Flaugh, Gue, Hart, Hurley, Hillyer, Jennings, Knoll, King, Patterson, Parvin, Ross, Stubbs, Shippen, Udell, and Woolson—18.

The Senate concurred.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has concurred in the report of the committee of conference on Senate File No. 198: A Bill to authorize the construction of railroad bridges across the Mississippi and Missouri rivers.

Also, has passed Senate File No. 141: A Bill for an Act to amend Chapter 45 of the Revision of 1860, in relation to revenue, without amendments.

Also, Senate File No. 172: A Bill for an Act supplemental and

amendatory to Chapter 84 of the acts of the Regular Session of the Ninth General Assembly, being An Act to prevent fraud in warehouses and others, without amendment.

The House has also adopted Senate amendments to substitute for House File No. 152: "A Bill for an Act to enable incorporated towns and cities to hold, improve, and dispose of lands for public squares, parks, commons, and cemeteries."

Also, has concurred in Senate Joint Resolution to correct a joint resolution in relation to the claim of S. F. Pierce.

Also, has passed Senate File No. 207: A Bill for an Act supplemental to Chapter 15 of the Revision of 1860, without amendment.

And has passed Senate File 169: A Bill for an Act to provide for the publication and distribution of the laws of the 10th General Assembly of the State of Iowa, without amendment.

And Senate File No. 229: A Bill for an Act to provide for issuing State Bonds in all cases of indebtedness on the part of the State to the permanent school fund, and for other purposes, without amendment.

JACOB RICH, Chief Clerk.

Substitute for House File No. 162: A Bill for an Act entitled an Act to legalize the levy and collection of certain taxes in certain cities and towns, was taken up.

On motion of Senator Woolson the Senate refused to concur in the House amendments.

Senator Hatch announced that the ladies of Des Moines had prepared refreshments, and awaited the pleasure of the Senate.

On motion the Senate took a recess for one hour.

The Senate convened at 11½ o'clock, P. M., Senator Hunt in the Chair.

By consent, Senator Burdick introduced the following resolution:

Resolved, That the thanks of the Senate are hereby tendered to the ladies of Des Moines for the sumptuous repast with which they have favored us this evening.

The resolution was unanimously adopted.

Senate File No. 220: A Bill for an Act to amend Chapter 10 of the Acts of the Extra Session of the Eighth General Assembly, in relation to the Auditing Board.

The substitute reported by the Committee was adopted.

The bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Cutler, Clarkson, Crookham, Clark, Cutts, Foote, Flaugh, Gue, Hart, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—40.

The nays were, none.

Absent without excuse—Senators Boardman, Dixon, and Parvin.
Bill passed and title agreed to.

Senator Cutts moved to reconsider the vote in regard to publishing the laws of the Tenth General Assembly by the Iowa Statesman.

—
SENATE CHAMBER,
Des Moines, Iowa, March 29th, 1864. }

The Senate continued in session, without adjournment.

Senator Outler moved to lay Senator Cutts' motion to reconsider on the table.

On this question Senator Jennings demanded the yeas and nays,

The yeas were Senators Bassett, Brunson, Brown, Bridges, Cutler, Clarkson, Dixon, Flaugh, Hart, Hurley, Hillyer, Hilsinger, King, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Ross, Stubbs, Shippen, Wharton and Woolson—23.

The nays were Senators Burdick, Crookham, Cutts, Gue, Henderson, Hogin, Hesser, Hunt, Jennings, Knoll, McCrary of Lee, Patterson, Saunders and Udell—14.

Absent and not excused—Senators Boardman, Clark, Foote, Hatch, McJunkin and Roberts.

The motion to table prevailed.

Senator Parvin submitted the following report:

The Committee on Enrolled Bills have examined Senate File No. 200: "An Act relating to the transcribing, indexing and distributing of the journals of the Senate and House of Representatives."

Also House File No. 87: "An Act to provide for the collection of money due to the permanent school fund of the State of Iowa, for the purchase of the Capitol Building, and for the release of certain school fund securities."

Also House File No. 147: "An Act to amend Section 2, of Chapter 15, of the Acts of the Regular Session of the Ninth General Assembly, increasing the compensation of jurors."

Also Senate File No. 176: "An Act supplemental to Chapter 99 of the laws of the Seventh General Assembly, approved March 22d, 1858, and relating to the Des Moines River Land Grant, and for the payment of certain audited claims, and releasing to the United States certain occupied lands included in said grant."

Also Senate File No. 243: "An Act authorizing the Governor to appoint Aids-de-Camp."

Also House File No. 180: "An Act to amend Sections 1704, 1707, 1708, 1741 and 1742 of the Revision of 1860, in relation to agricultural fairs."

Also House File No. 80: "An Act providing for auditing the account of J. L. Mason, of Bentonsport, Iowa."

Also House File No. 96: "An Act apportioning the State of Iowa into Representative Districts."

Also Senate File No. 241: "An Act making appropriations for the per diem of the members and officers of the Tenth General Assembly, and for other purposes."

Also Senate File No. 187: "An Act to direct the Adjutant General to make report January 1st, 1865, and to provide for publishing and distributing the same."

Also Senate File No. 219: "An Act for the relief of Myron Collins, William L. Thomas, Matthew T. Dimond, Ezra Whipple, and Abraham Isenhart."

Also Senate File No. 146: "An Act fixing the fiscal term for State Institutions, when reports shall be made, and their distribution," and find the same correctly enrolled.

J. A. PARVIN, Chairman.

Senator Foote, from Committee of Conference on Senate File No. 195, reported the House substitute for the bill.

The question being shall the Senate concur in the adoption of the substitute adopted by the House.

The yeas were, Senators Bassett, Burdick, Brunson, Brown, Bridges, Crookham, Clark, Foote, Gue, Henderson, Hogin, Hurley, Hillyer, Hesser, Hunt, Hatch, Hilsinger, Jennings, Knoll, King, McCrary, of Lee, McCrary, of Van Buren, Moore, McMullan, Merrill, Patterson, Ross, Roberts, Saunders, Stubbs, Shippen, Udell, Wharton and Woolson—84.

The nays were, Senators Clarkson, Dixon, and Hart—3.

Absent and not excused, Senators Boardman, Cutler, Cutts, Flaugh, McJunkin, and Parvin.

The Senate concurred.

Senator Saunders, by consent, introduced the following resolution:

Resolved, That the thanks of the Senate be and they are hereby tendered to the Hon. Enoch W. Eastman, for the dignified, impartial and courteous manner which has characterized the performance of his arduous official duty, as our presiding officer; and that, in retiring from this legislative chamber, we earnestly wish for him a future abounding in health, happiness and pleasant memories.

Unanimously adopted.

Senator Ross, by consent, offered the Joint Resolution in relation to the care and control of the property of the State.

The resolution was adopted.

Senator Bridges offer the following resolution:

Resolved, That our thanks are due, and are hereby tendered, to the Secretary and Assistant Secretaries, and the other officers of the Senate, for the able and impartial manner in which they have discharged their several duties, and for their gentlemanly bearing during the session.

The resolution was unanimously adopted.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform the honorable Senate that the House has concurred in Senate amendment to Joint Resolution in reference to the accounts of Monona county.

Also, concurred in Joint Resolution in reference to proposed amendment to the Constitution of the United States—as to forever prohibit slavery in any portion of the United States—without amendment.

Also, that the House has passed Senate File No. 151: A Bill for an Act to provide for the better security and collection of debts due to the State of Iowa or for the use or benefit of the State, without amendment.

And has passed Senate File No. 233: A Bill for an Act to provide for correcting the account of the State with Grundy county, without amendment.

The House has also concurred in Senate amendment to Joint Resolution for additional mail facilities.

Also, has receded from House amendment to Senate Substitute for House File No. 162: A Bill for an Act entitled An Act to legalize the levy and collection of certain taxes in certain cities and towns.

Also, concurred in the Joint Resolution in relation to the care and control of the property of the State.

The House has passed the following concurrent resolution:

WHEREAS, The Board of Education, which convened in Des Moines December 2d, 1861, elected the Hon. N. J. Rusch and Hon. Thomas H. Benton Trustees of the State University; and

WHEREAS, The said persons have been, for some time past, and are now, in the service of the United States as commissioned officers, and have, by the accepting of said commissions, vacated their offices as such Trustees, as provided in section 1, chapter 54 of the Laws of the Ninth General Assembly;

Be it, therefore, resolved by the General Assembly, That Edward W. Peet, of Polk county, be, and is hereby appointed a Trustee of said University in the place of the Hon. Thos. H. Benton, and that Ebenezer Cook, of Scott county, be, and is hereby appointed a Trustee in room of the Hon. N. J. Rusch.

In which the concurrence of the Senate is respectfully asked.

JACOB RICH, Chief Clerk.

Senator Foote moved that a committee of two on the part of the Senate be appointed to wait upon the Governor and inquire if he has any further communications to make to the Senate.

The motion was adopted.

The Chair appointed on the committee Senators Foote and Jennings.

The committee reported that the Governor sent his respects to the Senate and that he had no further communication to make.

Senator McJunkin offered the following resolution:

Resolved, That the reporters who have been with us during the present session, are entitled to our warmest thanks for the able and impartial manner in which they have discharged their duties, and the kind manner in which they have acted towards us.

The resolution was unanimously adopted.

Senator Ross offered the following resolution :

Resolved, That Uncle David has our thanks for the faithful and patriotic manner in which he has discharged the duties assigned him by the Senate.

Unanimously adopted.

Senator Patterson offered the following resolution :

Resolved, That we tender our most heart-felt thanks to that Law which never was passed, and which has brought us back when we went astray, and kept us in order when in our places—our Sergeant-at-Arms.

The resolution was unanimously adopted.

Senator Burdick offered the following resolution :

WHEREAS, A member of this Senate, Hon. Z. Brown, is about to enter the military service of the United States, having enlisted as a private, and

WHEREAS, It is but just that his brother Senators should express the esteem in which he is held ; and

WHEREAS, His patriotism has been manifested in an almost unparalleled degree by his entering the service in the humblest capacity, Therefore

Resolved, That we tender to our worthy brother Senator our sincere regards and highest consideration.

Resolved, That our best wishes will follow him into the soldier's camp, and we hope and believe that he will serve his country as faithfully and well as he has served his constituents in the Senate. And if he falls in defence of the old flag, so dear to us all, he will find a shrine in our hearts which time cannot efface, and if he returns, as God grant may be the case, we will bid him a cordial welcome to the State.

The Senate took up House Joint Resolution in reference to the appointment of Trustees of the State University.

On motion of Senator Udell the Resolution was adopted.

Senator Parvin submitted the following report :

The Committee on Enrolled Bills have examined Senate File No. 237 : "An Act to provide for the settlement of the claims of the State against Winterbotham and Jones."

Also, Senate File No. 208: "An Act to provide for the publication of the laws of a general nature of the 10th General Assembly in certain German newspapers, and for the translation thereof."

Also, Senate File No. 289 : "An Act to apportion the State into Senatorial Districts."

Also, Senate File No. 141 : "An Act to amend Chapter 45, of the Revision of 1860, in relation to revenue."

Also, Senate File No. 172: "An Act supplemental and amendatory to Chapter 84, of the acts of the regular session of the 9th General Assembly of the State of Iowa, being an act to prevent fraud in warehousemen and others."

Also, Senate File No. 229: "An Act to provide for issuing State Bonds in all cases of indebtedness on the part of the State to the permanent School Fund and other purposes."

Also, Senate File No. 186: "An Act to amend Article 3, of Chapter 67, of the Revision of 1860."

Also, Senate File No. 207: "An Act supplemental to Chapter 15, of the Revision of 1860."

Also, Senate File No. 221: "An Act to legalize the official acts of certain Notaries Public."

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Also, Senate File 210: "An Act relating to the offices of County Recorder and Treasurer, and providing for their separation."

Also, Senate File No 233: "An Act to provide for correcting the account of the State with Grundy county."

Also, Senate File No. 151: "An Act to provide for the better security of and collection of debts due the State of Iowa, or for the use or benefit of the State."

Also, Senate File No. 198: "An Act to authorize the construction of Railroad bridges over the Mississippi and Missouri rivers."

Also, Senate File No. 169: "An Act to provide for the publication and distribution of the laws of the 10th General Assembly of the State of Iowa," and find the same correctly enrolled.

The Committee, on the 26th inst., presented to his Excellency, the Governor, for his approval, Senate File Nos. 70, 163, 100, 142 and 54, and two Joint Resolutions.

Also, on the 28th, presented as aforesaid, Senate File Nos. 225, 21, 241, 111, 236, 143, 60, 7, 200 and Joint Resolution.

Also, Senate File Nos. 176, 243, 241, 187, 219, 146, 237, 208, 239, 141, 172, 229, 186, 207, 221, 210, 233, 131, 198 and 169.

J. A. PARVIN, Chairman.

MR. PRESIDENT:—The resolution adopted by the Senate, so complimentary to myself and worthy associates in office, requires of me that in their behalf I should reciprocate to the extent of my feeble ability, the good will expressed by those over whom you have the honor to preside. We part from Senators with hearts filled with good will towards them all. Senators have upon every occasion, exhibited and extended to us every courtesy and kindness. We have endeavored to faithfully and honestly discharge the duties imposed upon us at our own solicitation. How well we have succeeded, remains with those who have been served. On my own behalf I cannot convey to Senators the emotions of my heart for the unusual kindness and consideration extended me, during a season of continued illness.

Our prayers go with and for you, through life's journey. We

thank you, more in heart than in words, for your kindness to us all, and wish you a safe return to your homes, and many years of unalloyed pleasure.

Wm. F. DAVIS, Secretary.

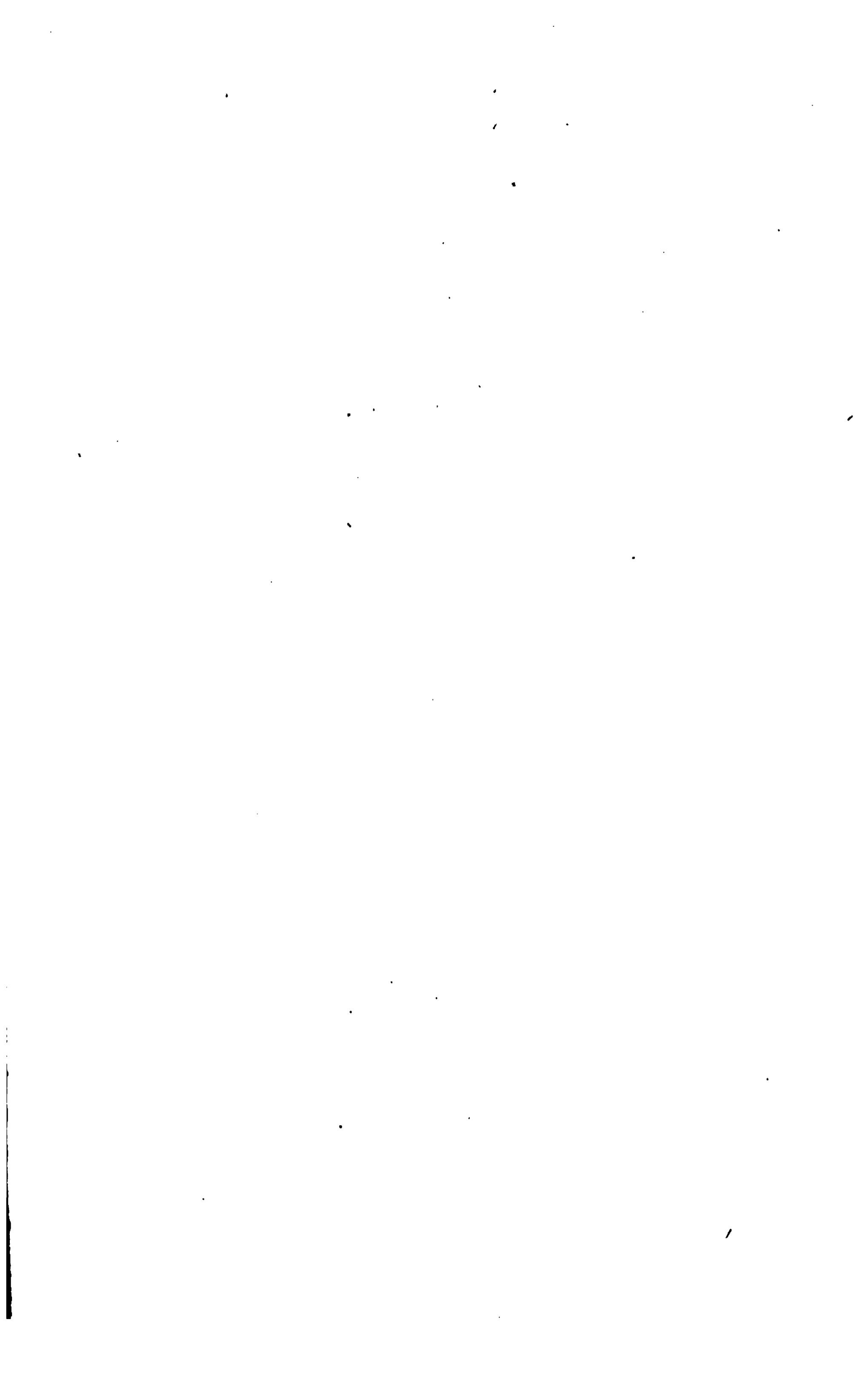
Senator McCrary of Van Buren, moved that a Committee of two be appointed to inform the House that the Senate is now ready to adjourn *sine die*.

The Committee reported that they had discharged their duty.

A Committee from the House announced that the House was now ready to adjourn *sine die*.

At the request of the Chair, the venerable Senator Wharton invoked the Divine blessing upon a dissolving Senate.

On motion the Senate adjourned *sine die*.



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